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COMMISSION OF INQUIRY INTO THE  
USE OF DRUGS AND BANNED PRACTICES  
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

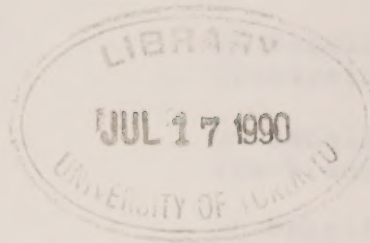
HEARING HELD AT 1235 BAY STREET,  
2nd FLOOR, TORONTO, ONTARIO,  
ON MONDAY, MAY 29, 1989

VOLUME 53

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C O U N S E L:

R. ARMSTRONG, Q.C. Ms. K. CHOWN	on behalf of the Commission
R. BOURQUE	on behalf of the Canadian Track and Field Association
J. DePENCIER	on behalf of the Government of Canada
J. PORTER R. STEINECKE	on behalf of the College of Physicians and Surgeons
T. BARBER	on behalf of the Sport Medicine Council of Canada
A. PRATT	on behalf of Charles Francis
L. LIPKUS	on behalf of Ben Johnson
D. SOOKRAM L. LEVINE	on behalf of Dr. M. G. Astaphan
D. O'CONNOR Ms. G. PINHEIRO	on behalf of A. Issajenko
O. SALA	on behalf of David Steen



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--- Upon commencing.

THE COMMISSIONER: Mr. Sookram.

MR. SOOKRAM: Yes, sir.

5 GEORGE MARIO ASTAPHAN: Recalled.

--- EXAMINATION BY MR. SOOKRAM: (Cont'd)

Q. Dr. Astaphan, when we --

MR. O'CONNOR: Mr. Commissioner, just  
before we begin.

10 THE COMMISSIONER: Yes.

MR. O'CONNOR: I understand that an issue  
came up with respect to a document on last Friday that was  
prepared by my client, Ms. Issajenko, for Dr. Fenn in the  
fall of 1986.

15 And I have had a chance of reviewing the  
document with my client and speaking to Mr. Sookram about  
it, and I wonder if we could deal with that issue first.

THE COMMISSIONER: All right. What is your  
position on it?

20 MR. O'CONNOR: Well, I have reviewed it,  
and my instructions are that there is no objection to  
those parts of the document which Mr. Sookram wants to  
have put into the Commission, being put before the  
Commission. I have spoken to Mr. Armstrong and we don't  
25 think it's necessary that the whole document go in.





THE COMMISSIONER: No, I know it is a lot of personal matters.

MR. O'CONNOR: Well, that is correct. Mr. Sookram and I are in agreement as to what parts he feels  
5 are relevant from his point of view.

THE COMMISSIONER: All right.

MR. O'CONNOR: And we have no objection at all to those being put before the Commission. And so perhaps I could indicate to you, Mr. Commissioner, what  
10 those parts are and maybe they could be read into the record. Would that be --

THE COMMISSIONER: Satisfactory, Mr. Sookram?

MR. SOOKRAM: Yes, certainly.

MR. O'CONNOR: The first is on page 6 of the document. And it is the second last paragraph which reads: "Also tried Winstrol, pain in lower abdomen and  
15 quads, this is why Dr. Astaphan recommended Dianabol for me".

THE COMMISSIONER: All right.

MR. O'CONNOR: If I could just make an observation, because I understand that there was a suggestion made on Friday that this document was somehow  
20 inconsistent with my client's diaries or her testimony, and I just make the observation at this point, Mr.  
25



Commissioner, that that comment is entirely consistent with both. And her evidence, indeed, was to the effect of what I have just read.

THE COMMISSIONER: All right.

5 MR. O'CONNOR: The second passage is on page 7, about a quarter of the way down: "Charlie says you seem interested in Deca. My interest is what suits me best. So, if you think contrary to Dr. Astaphan, then fine".

10 And I take it that the "you think" is Dr. Fenn thinks contrary to Dr. Astaphan, then fine.

THE COMMISSIONER: All right.

MR. O'CONNOR: Now, if I might just take a brief moment. We have reviewed the document in light of  
15 the diaries. And there appears to be absolutely no inconsistency.

Mr. Armstrong, I take it, or Ms. Chown has had the same opportunity. And so I just simply put that on the record.

20 And the last comment I would make is that on page 8, about two-thirds or three quarters of the way down, there is set out starting with the word "30 shots, first few weeks one shot per week, later two shots, off May 8". That is clearly talking about shots from January  
25 to May of 1986.





THE COMMISSIONER: All right.

MR. O'CONNOR: And that, the evidence has made clear, was at a time that the shots were being provided to my client by Dr. Astaphan.

5                   It then goes on to say: "I increased the dosage." And below that what I submit is relevant to the passages I read earlier is: "Pain in lower stomach, and right quad". And then: "Must -- I can't read the next word -- from high dosage".

10                   But what's significant about that is at a time when my client was taking what was described as Estragol from Dr. Astaphan, she experienced the same symptoms as Winstrol. And those are my comments.

15                   THE COMMISSIONER: Thank you, Mr. O'Connor. Mr. Sookram.

MR. SOOKRAM: That last --

THE COMMISSIONER: I think the word is most likely from high dosage is what I think is important.

MR. O'CONNOR: Thank you, Mr. Commissioner.

20                   THE COMMISSIONER: Yes, Mr. Sookram.

MR. SOOKRAM: That last comment, sir, was not borne out anywhere apart from --

THE COMMISSIONER: It's not a matter for argument, now.

25                   MR. SOOKRAM: I appreciate that, sir. It's



not a diarized part of her --

THE COMMISSIONER: Well, that's a matter for argument. I think we have the record straight now, Mr. Sookram.

5 THE REGISTRAR: Mr. Commissioner, Do you want to make that part of the record?

THE COMMISSIONER: No, just what's read in the record. So, we identify the document. What's the date of this document, Mr. Sookram, do you know?

10 MR. SOOKRAM: No, sir.

THE COMMISSIONER: It was prepared for Dr. Fenn.

MR. O'CONNOR: In the fall of 1986.

THE COMMISSIONER: '86.

15 MR. O'CONNOR: Yes, sir.

THE COMMISSIONER: Okay. All right. Mr. Sookram. Thank you, Mr. O'Connor.

Have we finished that now? I guess you want to leave. Is that why you are sitting so tensely.

20 MR. O'CONNOR: Thank you, Mr. Commissioner.

THE COMMISSIONER: Okay. Thank you, Mr. Sookram. Thanks, Mr. O'Connor.

MR. SOOKRAM:

25 Q. When we stopped on Friday, Dr.





Astaphan, I had been at the point of giving you some of the bottles that were examined by the laboratory and found to have contained Stanazolol.

5 I am going to give you the bottles again, two by two. Have you got a bit of notepaper there? You are not supposed to mix them up.

10 This is the first one, Exhibit 117A, the famous bottle that everybody saw here. Please look at it. You can take it out of the cellophane if you want to. And then this is another sample of the same.

THE COMMISSIONER: Can I see the 117A bottle? Have you taken it out of the cellophane?

MR. SOOKRAM: He didn't take it out of the cellophane.

15 THE COMMISSIONER: He can read it, though. All right.

MR. ARMSTRONG: If the Commissioner wants 117A.

THE COMMISSIONER: Yes.

20 MR. ARMSTRONG: Just hand it up to him.

THE COMMISSIONER: Thank you. Thanks very much.

BY MR. SOOKRAM:

25 Q. And this one. The second one, sir, was



117H. This is 117I. This is 117J. 117K.

A. This is still sealed.

Q. 117L. This is the last of that lot,  
17M.

5                    Those bottles, Dr. Astaphan, were first  
examined by the Health and Welfare Canada, and they were  
all found to contain Stanazolol. A detailed examination  
hadn't been made, but they were just tested for Stanazolol  
and they were all positive.

10                  Do you have any reason to doubt the results  
of that test?

A. No, I don't.

Q. Were they the bottles that you gave to  
Mr. Francis in the fall of '86?

15                  A. I am sorry, I didn't hear you.

Q. Were they the bottles that you gave to  
Mr. Francis in the fall of 1986?

A. No.

Q. How do you know that?

20                  A. Because these bottles all have  
different numbered stamps on them, which would indicate  
that they are not from the same batch. Whatever bottles I  
gave him (a) all had the caps on, and (b) would have come  
from the same batch because they were obtained at the same  
25                  time.



Q. How do you know they didn't come from the same batch?

A. Because the stamps on the bottles, there are six different numbered stamps on them.

5 THE COMMISSIONER: They are K marked, aren't they? Are all K's?

THE WITNESS: Yes, sir, but they are K1, you know, K11, 13, 14, 16, 20, and 21.

10 BY MR. SOOKRAM:

Q. Go slowly over that.

THE COMMISSIONER: Pardon?

MR. SOOKRAM: All the bottle numbers were different batches?

15 THE WITNESS: The ones I just looked at, yes.

MR. SOOKRAM: All six of them --

20 THE COMMISSIONER: Excuse me, I have one here. They are all obviously made by the same manufacturer. It's the code number K for them. They have all got K's on them, Doctor?

THE WITNESS: Yes, but they have K and different numbers, which are batch numbers.

THE COMMISSIONER: I understand that.

25





BY MR. SOOKRAM:

Q. So, you are saying that all six bottles that you examined there were from different batches?

A. Six out of the seven. Two were from the same K20 batch.

Q. Two. Now, I have got another six bottles. This is 117B -- oh, this is a sample from Winstrol itself. Do have a look at it. This is 117C. 117D. 117E. 117F. 117G.

THE COMMISSIONER: What numbers do you have? You are making a note of them?

THE WITNESS: Yes, sir.

THE COMMISSIONER: What numbers are they?

THE WITNESS: They are three different numbers, 5, 11, and 18.

MR. SOOKRAM:

Q. Now, Dr. Astaphan, the E sample was tested - retested, rather, to be broken down not only to show Stanozolol, but it also showed water, sodium chloride, Thimerosal and Polysorbate 80. The Stanozolol in the E sample was 50.1 milligrams. The Stanozolol -- that's E sample 753433. The Stanozolol in the second sample was 56.5 milligrams per millilitre.

MR. ARMSTRONG: Which one was that?



MR. SOOKRAM: E 753434.

MR. ARMSTRONG: You don't know which one was 117A.

5 MR. SOOKRAM: They were all given different numbers later on, but six of the bottles were resubmitted for testing.

The first one contained 50.1 milligrams of Stanazolol. The second one contained 56.5 milligrams. The third one contained 52.6 milligrams. The fourth one  
10 contained 53.2 milligrams. The next one contained 52.8 milligrams. And the last one contained 55.8 milligrams.

Doctor, do you have any difficulty in accepting that this is what was found when those bottles were tested?

15 A. The percentages?

Q. Yes?

A. No.

Q. Do you have any comment to make on the percentages contained in these bottles?

20 A. Yes. I would think that a lab such as Winthrop would have better quality control. They should all be pretty well the same percentages.

Q. Doctor, there is strong feeling that the bottles that you gave to Mr. Francis might very well  
25 be these same bottles?



Q. You told us that you had given  
Furazabol to Mr. Francis?

A. Yes.

Q. Are you able to tell us what sort of  
5 samples--sorry, I'll recast that question.

Are you able to tell us whether or not you  
had checked to see that the Furazabol you had given had  
all come from the same sample?

A. The bottles were all numbered.

10 THE COMMISSIONER: What were they numbered?

THE WITNESS: I don't remember, sir, but  
they had the same batch numbers on them.

THE COMMISSIONER: You mean the same--on  
the bottom here, the same code number?

15 THE WITNESS: They all had the same  
numbers.

THE COMMISSIONER: These are all--they all  
have K number. The ones you have, all these bottles  
including the Winstrol sample and the ones that we have  
20 had tested all have a K code on the bottom?

THE WITNESS: I would imagine that is  
Winthrop's code. I'm not sure what the K is.

THE COMMISSIONER: And they all have the  
same code?

25 THE WITNESS: Pardon?





THE COMMISSIONER: It looks like the bottles are all manufactured by the same source, from the same manufacturer.

THE WITNESS: I don't know.

5 THE COMMISSIONER: They all have a K number and they are all different numbers.

THE WITNESS: These bottles have K's, yes.

MR. SOOKRAM:

10 Q. Doctor, yesterday--sorry, on Friday, counsel for the Commission suggested to you that Furazabol--Daiichi had ceased manufacturing Furazabol in 1985 and that they hadn't manufactured it since.

15 THE COMMISSIONER: That's not what he said. That's not what he said, Mr. Sookram.

MR. ARMSTRONG: Well, I guess the Commissioner has it. Do you want me to--

THE COMMISSIONER: You can correct him.

20 MR. ARMSTRONG: --indicate what I said, Mr. Commissioner.

THE COMMISSIONER: Dr. Astaphan said he bought this in 1985 and Mr. Armstrong said--well, you go ahead and repeat what you said.

25 MR. ARMSTRONG: What I had indicated to Dr. Astaphan was that the Daiichi company did not manufacture



an injectable Furazabol in 1985 or since 1985.

THE COMMISSIONER: He didn't inquire where it was done before or not, Mr. Sookram.

5 MR. SOOKRAM: That's why I am going to inquire. Thank you.

Q. You heard it corrected now, that it was the injectable Furazabol that Mr. Armstrong was talking about. When you got your supply, do you know if the  
10 Japanese company was still manufacturing injectable Furazabol?

A. No, I don't.

THE COMMISSIONER: Well if they ever did or not, we don't know.

15

MR. SOOKRAM:

Q. We don't know. What is the shelf life of Furazabol, Dr. Astaphan?

A. From the literature--

20

THE COMMISSIONER: Do you have any with you? Do you have any of the injectable Furazabol with you at all?

THE WITNESS: No, I don't.

25

Kitts?

THE COMMISSIONER: Do you have any in St.



THE WITNESS: No.

THE COMMISSIONER: So you made one purchase, and then when you left, you gave what you had to Mr. Francis as far as you know?

5 THE WITNESS: With the exception of three bottles which I already said I took to St. Kitts and used them on some powerlifters in St. Kitts.

THE COMMISSIONER: All right.

10 MR. SOOKRAM:

Q. So if you did get Furazabol in 1985, it would have had, according to you, a shelf life of three years?

A. Usually three to four years.

15 Q. And you maintain that those are the bottles that you gave to Mr. Francis?

A. Not these bottles.

Q. All right. And you are saying to us that--

20 THE COMMISSIONER: Do you have one of the Winstrol V Winthrop bottles? I think you've identified that.

MR. SOOKRAM: Yes, he did identify that.

25 THE COMMISSIONER: Could I just see the Winstrol V bottle, the one with the label on it.





MR. SOOKRAM: 117B.

MR. ARMSTRONG: Why don't we just get it--

THE COMMISSIONER: It's no hurry. I've seen  
it.

5 MR. ARMSTRONG: It's 117B.

MR. SOOKRAM:

Q. Dr. Astaphan, where could one get a  
sort of mixed batch of stanozolol like this, like this lot  
10 that we looked through, 12 bottles, about nine different  
series?

A. From one of the numerous drug contacts  
in Toronto.

Q. In Toronto?

15 A. That's right.

Q. You mean out there now, there are  
people making Winstrol other than this company?

A. Well, there are people, certainly a lot  
of people supplying it other than Winthrop.

20 THE COMMISSIONER: Is the suggestion, so  
I'll follow the evidence, that Mr. Francis went out and  
bought Winstrol V on the black market?

MR. SOOKRAM: I am making no suggestions,  
sir.

25 THE COMMISSIONER: Well, that's the only



inference you can draw from your line of questions.

MR. SOOKRAM: It might have been. We have no evidence, no proof.

5 THE COMMISSIONER: But isn't that the only inference you're asking the Commission --

MR. SOOKRAM: No, sir, there is here, which I intend to put to the doctor, a publication which is advertising right now Winstrol on the market.

10 THE COMMISSIONER: But the suggestion is that--I gather the inference is that Mr. Francis, whatever bottles he got from Dr. Astaphan, are not these, and he must have gone out and bought Winstrol V on the black market?

15 MR. SOOKRAM: If his supply had run out, it is possible, sir, but we're not making any allegations. It is possible, sir. You have heard the testimony of Dr. Astaphan. He gave 24 bottles for six people. He should have been left with 18 bottles. Ms. Issajenko got 12. I'm not making any suggestion, but it is possible that if  
20 Mr. Francis didn't go out and buy some, Ms. Issajenko did.

THE COMMISSIONER: So far the evidence is that Mr. Francis got the bottles from Dr. Astaphan and he used them for some time in his apartment, injected all the athletes with it.

25 MR. SOOKRAM: Not these bottles, sir. That



is from Mr. Francis.

THE COMMISSIONER: And Mr. Francis says that because of matters of security and secrecy, the bottles were given to Ms. Issajenko, and pursuant to our investigation, she handed them over to the Commission.

MR. SOOKRAM: Yes.

THE COMMISSIONER: So what you are suggesting now is that all the bottles that Dr. Astaphan gave to Mr. Francis somehow disappeared?

MR. SOOKRAM: It might have been used up. I don't know, sir.

THE COMMISSIONER: And either he or Ms. Issajenko went out and bought bottles on the black market which have the same ingredients as Winstrol V?

MR. SOOKRAM: I can't rule that out, but we are not making any accusations except to say that these are not the bottles that the doctor gave to Mr. Francis.

THE COMMISSIONER: All right, go ahead.

MR. SOOKRAM: It would be wrong to make allegations when we have no proof. The only thing we do know is the doctor said to us--

THE COMMISSIONER: That's the only explanation so far though.

MR. SOOKRAM: Somewhere along the line, sir, if you remember, Mr. Levine was trying to raise the





issue of continuity at some stage.

THE COMMISSIONER: Mr. Levine asked Miss Thibedeau how many keys; the only time I cut off a question after many, many weeks.

5 MR. SOOKRAM: I appreciate that.

THE COMMISSIONER: He asked Miss Thibedeau how many people had keys to Mr. Francis' apartment, and I thought that it didn't seem to be very relevant, and maybe I was tired, and I said I don't think you should bother  
10 pursuing that, but it was quite apparent. A lot of people had access to Mr. Francis' apartment, but go ahead now.

MR. SOOKRAM:

Q. Doctor, for the Commission, could you  
15 please explain why somebody, if you know it is, why somebody would take liquid stanozolol rather than the pill form in Winstrol V or Winstrol itself? Is there any benefit to be derived from going to the liquid form of stanozolol rather than the tablet form?

20 A. You get the same effects and side effects, the difference being that the injectable form is about 12 and a half times as strong.

Q. Yes. And does it follow that you have  
to--

25 THE COMMISSIONER: Would that depend on the



dosage though, Doctor? I know it's a stronger concentrate.

THE WITNESS: I meant millilitre to tablet. One is two milligrams and one is 25 or 30 milligrams.

5 THE COMMISSIONER: But then it would depend how much you gave of the liquid aside.

THE WITNESS: But I'm comparing one tablet to one other.

10 THE COMMISSIONER: Thank you, I read that.

MR. SOOKRAM:

Q. So if you had wanted to give stanozolol in liquid form, you would have reduced the dosage?

15 A. Very much so because they had reacted to tablets.

Q. Doctor, what at that time was the position of the College of Physicians and Surgeons as regards medication that were scheduled for veterinary use only?

20 A. My understanding was that a doctor licensed by the College was within his rights if he deemed it necessary to administer medication once he had advised and informed the patient as to the medicine, the effects and the side effects of the medication.

25 Q. Once he had informed the patient?



A. Yes.

Q. So really--is that ruling still extant?  
Has it changed from then till now?

A. Not to my knowledge.

5 Q. Now, since according to you there is no  
difference in the--or it wasn't according to you.  
Somebody from Sterling said that. I had better clear it  
up with you. Doctor, do you know whether or not there is  
any difference in the chemical composition of liquid  
10 Winstrol as compared with Winstrol in tablet form, the  
substances that would make it up?

A. No. It's the same as stanozolol.

Q. Now knowing that, if you had given  
stanozolol to the athletes, would there be any difficulty  
15 in you coming here to admit it?

A. No.

Q. Because you did admit giving oral  
Winstrol to some athletes?

A. I gave them oral Winstrol tablets in, I  
20 think, '85, and Ben and Angella both tightened up after  
five days.

Q. And so it was contra-indicative of use  
for Mr. Johnson and Ms. Issajenko?

A. Yes.

25 Q. And the statement was read in this





morning that Ms. Issajenko had taken it and you had taken her off it; is that right?

A. Yes, and put her on the Dianabol.

5 Q. Ms. Issajenko told us that sometimes she suspected that you had been giving her Winstrol because she had muscle problems, she tightened up. Would you like to comment on that?

A. She never told me this at all, but going over the records, you will see on her own she increased the dosage in some cases to four times what she should have been taking.

10

Q. On her own?

A. Yes, sir.

Q. So there is no reason for you not to tell us that you prescribed stanozolol if you did?

15

A. No, there would be absolutely none.

Q. No reason from the standpoint of the College of Physicians and Surgeons?

A. No, sir.

20 Q. No reason from the standpoint of this inquiry?

A. No, sir.

Q. Why are you so positive, Doctor, that you couldn't have given them stanozolol?

25 A. The clinical and practical aspects of



it were very obvious. If they had taken stanozolol tablets, 2 milligrams one a day for five days and they got muscle problems to the point that Ben couldn't run, then getting 1 cc, which is 25 to 30 milligrams, injected three  
5 times a week would have been giving--that's the equivalent of 36 tablets in three days. He would have been in almost a tetanic spasm.

Q. Spasm?

A. Sure he would have been.

10 Q. And you were monitoring them very, very closely?

THE COMMISSIONER: We do know though, from what we've heard so far, that they were getting these shots from Mr. Francis and at one time from you and Mrs.  
15 Issajenko and herself, and the performance was very good. Mr. Francis says he injected the athletes with the stuff that he gave Ms. Issajenko, and that's what she used. So you had no experience, I gather. This substance that you got from the East German athlete, I think you told us you  
20 never had tested yourself, you just took his word for it I think.

THE WITNESS: No, he told me that they had been using it for four years and their results were very obvious. They had become the dominant track and field  
25 team in the world.



THE COMMISSIONER: But he removed the labels from you and you never had it tested yourself?

THE WITNESS: No, sir.

THE COMMISSIONER: All right.

5

MR. SOOKRAM:

Q. Dr. Astaphan, you--

THE COMMISSIONER: Can I ask you this. As far as you're aware then, you had never experimented with injectable Winstrol. You had been using the tablet form before?

10

THE WITNESS: Yes.

15

THE COMMISSIONER: So you had no experience on your own as to what an injectable Winstrol would do for the athlete?

THE WITNESS: No, I had knowledge of what it did and what it didn't do, but no experience.

THE COMMISSIONER: What knowledge from Winstrol tablets?

20

THE WITNESS: I had knowledge from Winstrol tablets that Angella and Ben couldn't tolerate Winstrol at all.

25

THE COMMISSIONER: You had not, according to your evidence, had not experimented with Winstrol V injectable?





THE WITNESS: That's what I said, sir. I had knowledge but no experience.

THE COMMISSIONER: I see.

5 MR. SOOKRAM:

Q. Doctor, is it logical to assume that stanozolol either in solid or liquid form, as long as it's stanozolol, will it have any difference? Will the reaction of the athletes be any different to stanozolol whether it's in solid form or liquid form?

10

A. You mean tablet or injection?

Q. Yes.

A. No.

Q. It is the same substance?

15 A. Identical substance.

Q. The same drug?

A. Yes.

Q. The same chemical composition?

A. Yes.

20 Q. And you would have detected it--if they cramped up, you might have suspected that they were taking something wrong?

A. Yes, they would have come and told me right away because they knew better than anybody else what was going into their bodies, as an athlete lives by his

25



body and what he puts into it, and they never told me anything.

Q. And you were guided very much by what they tell you?

5 A. Exactly.

Q. And by what you observed?

A. Yes.

Q. And is that why you were going to the track so often to see them?

10 A. Yes, sir, and that's why I looked at every possible meet on television, even from 2,000 miles away.

Q. Doctor, I am going to have you look at a publication here called "Muscle Drugs". What is the source of that material, Doctor, the booklet?

15

A. Where can you buy it?

THE COMMISSIONER: No, who's the author?

THE WITNESS: It's a centre called Nutritional and Muscle Research Association in Santa Monica, California. Santa Monica is worth underlining too.

20

THE COMMISSIONER: Pardon?

THE WITNESS: Santa Monica is worth underlining too.

25 THE COMMISSIONER: I get the message.



MR. SOOKRAM:

Q. And they show that you can buy Winstrol there. They tell you in the document that you can buy Winstrol?

5 A. Yes, what it is is an actual steroid recipe book that's going around and very extremely accessibly in the North American market including Toronto, and the people involved with the sales, not the company, I don't know the company, but the people involved in the  
10 sales actually will give you one of these books knowing that you are going to buy the stuff from them.

Q. Will you turn to the back page of that book, Doctor, that booklet. At the bottom, there is an address in Ontario. Could you please read it out?

15 A. 3265 South Millway Drive, Unit 1, Erin Mills, Ontario, Canada.

Q. And it's headed Body Sports Promotions?

A. Yes.

Q. That page, and they tell you to obtain  
20 any of our drugs or courses. You can get it through them?

A. It says, "To obtain any of my courses or other various nutritional/muscle research products."

Q. Yes, all right. Do you mind if we make this document available to the Commission?

25 A. Not at all.



THE COMMISSIONER: Let's mark this as an exhibit.

MR. SOOKRAM: We will mark this one as an exhibit.

5 THE REGISTRAR: Exhibit 188, Commissioner.

10 ---EXHIBIT NO. 188: Booklet entitled "Muscle Drugs" from  
Nutritional/Muscle Research  
Association in Santa Monica,  
California.

MR. SOOKRAM:

15 Q. Doctor, we heard evidence from somebody  
from the drug company, but he isn't a doctor, in all  
fairness to him. He told us that Winstrol and Winstrol V  
were one and the same product, though one was destined for  
the--

THE COMMISSIONER: The tablets you're  
speaking about?

20

MR. SOOKRAM:

25 Q. --the veterinary market. The other one  
with no chemical difference that was called Winstrol only  
was destined for human patients. Do you know if he was  
correct, that Winstrol and Winstrol V have the same





chemical composition?

A. To the best of my knowledge, they are the same thing.

5 THE COMMISSIONER: You've talked about giving tablets to the athletes. Did you ever buy Winstrol or just Winstrol V?

THE WITNESS: No, I bought Winstrol tablets at the cheaper price than Winthrop would sell me for.

10 THE COMMISSIONER: Where did you buy the Winstrol tablets from?

THE WITNESS: Just a phone call, sir.

THE COMMISSIONER: Who?

THE WITNESS: A phone call.

THE COMMISSIONER: Phone who?

15 THE WITNESS: You can phone a couple hundred people in Toronto and get them delivered by taxi or by courier.

20 THE COMMISSIONER: But they are supposed to be issued only on prescription, aren't they, to your patients?

THE WITNESS: No, I can give my patients. That's equivalent to a prescription.

25 THE COMMISSIONER: But you didn't get--you bought Winstrol tablets but not from Sterling Drug Company?



THE WITNESS: No, sir.

THE COMMISSIONER: And where did you buy them from?

5 THE WITNESS: From one of numerous people in Toronto who have access to Winstrol tablets.

THE COMMISSIONER: And they could sell cheaper than the manufacturer sells to the doctors?

THE WITNESS: Yes, sir, and they deliver it much more quickly.

10 THE COMMISSIONER: Do they also sell Winstrol V tablets?

THE WITNESS: Oh, I don't know. I don't know.

15 THE COMMISSIONER: What's the price that you were paying for the Winstrol tablets as distinguished from the Sterling Drug price?

THE WITNESS: From 1985 when I bought them, I think they were about--

20 THE COMMISSIONER: Did you buy them from this group from Santa Monica?

THE WITNESS: Oh, no, no. They were about \$8 at that time.

THE COMMISSIONER: \$8?

25 THE WITNESS: Yes, I think Winstrol V tablets were about \$17.



MR. SOOKRAM:

Q. Now, Doctor, we have had quite a few--

THE COMMISSIONER: Were they manufactured  
by the same company, by Winthrop?

5 THE WITNESS: I would imagine so. As far  
as I know, only Winthrop makes them in Canada. They bring  
some from Europe called Stromba tablets and Stromba  
injection which is stanozolol.

THE COMMISSIONER: Right. Yes, Mr.  
10 Sookram.

MR. SOOKRAM:

Q. Doctor, in your absence, we have had  
quite a few athletes testify, and doubtless after you're  
15 gone, there will be other athletes testifying. Now of  
their relationship with you on a doctor-patient basis and  
also to obtain performance-enhancing drugs, I would like  
to hear from you, Doctor, yourself, as to what particular  
steroid, if any, you gave to each of these athletes. Mr.  
20 Johnson, what did you give him?

A. He got Winstrol tablets which he  
reacted to. He got aqueous testosterone up until '85 and  
then he got Furazabol after.

25





Q. Did Mr. Johnson at any time tell you about the gynecomastia?

A. No, never.

5 Q. Did you at any time observe any enlargement of his breast?

A. No.

Q. Did you follow Mr. Johnson's physical well-being very closely?

A. Yes, I did.

10 Q. Did you follow his well-being more so than with other athletes?

A. Probably not consciously, but because he was around me a little bit more I would imagine, yes.

15 Q. Now, what did you tell Mr. Johnson when you introduced him to Winstrol?

A. When I introduced him to Winstrol?

THE COMMISSIONER: Are you talking about Winstrol now? You said Winstrol. Is that the Winstrol tablets, you are speaking of?

20 MR. SOOKRAM: Winstrol tablets.

MR. SOOKRAM:

Q. Did you introduce Mr. Johnson to Winstrol tablets?

25 A. No, they wanted to start stacking in



'85 when they went on the Furazabol.

Q. You said they?

A. Yes, the group.

Q. The whole Mazda group?

5 A. Yes -- not the whole Mazda group, the group that was on -- the elite section of the Mazda group.

Q. The inner circle?

A. Yes, well, the inner circle, but the ones who could perform.

10 Q. Who were they?

A. Angella, Ben, Sokolowski, McKnight, and I think, I am not sure, Tony Sharpe.

Q. And they wanted to?

A. They wanted to stack.

15 Q. Yes.

A. You know, I am just using the terminology that the Commission is familiar with. And at that time in '85 there were about seven or eight different fake Dianobols on the market.

20 Q. Yes?

A. Which, you know, they were being produced out of San Jose, California and upstate New York. And nobody knew the purity or efficacy of the tablets. So, even though that would have been the drug of choice to stack with, you couldn't take the chance, so the second

25



choice was the Winstrol tablets which they were put on and had to be stopped after five days because of reacting.

Q. What particularly did you say to Mr. Johnson at that time?

5                   A. That we are going to put him on the Winstrol tablets, which is an anabolic steroid, and the effects, and the side effects and that he would notice a gradual increase in the strength, and not speed initially. And that he had should look out for any type of muscle  
10                   cramping or any change in his acne, and to report to me.

Q. Did he seem to understand what you were saying to him?

A. Yes, he did.

Q. Did you mention Winstrol by name?

15                   A. Yes.

Q. Did you tell him it was a steroid?

A. I did.

Q. What specific side effects did you ask him to look for?

20                   A. Initially the muscle cramping, because that was the first side effects somebody as muscular as him would get. And any facial changes, meaning excess hair or acne.

25                   And the long term effects which were to, you know, keep on an eye on the urine and the stool. After



five days he had to stop. So, he didn't need any more,  
any more following up on it or counselling.

THE COMMISSIONER: This was, I am sorry,  
this is while the -- this Winstrol using it as an stacking  
5 agent at that stage --

THE WITNESS: Yes.

THE COMMISSIONER: -- on top of the  
Furazabol?

THE WITNESS: Yes.

10 THE COMMISSIONER: Thank you.

MR. SOOKRAM:

Q. Did you at any future time provide or  
prescribe for Mr. Johnson any Winstrol tablets?

15 A. No, I didn't.

Q. Did you at any time between 1985 when  
you took over the welfare of the Mazda team until the  
Olympics, did you prescribe or provide Mr. Johnson with  
any Stanozolol?

20 A. No, sir.

Q. Any Winstrol in liquid form?

A. No, I didn't.

Q. If you had done that, would you have  
explained it to Mr. Johnson?

25 A. Of course I would have.





Q. There were times, Doctor, when you personally gave Mr. Johnson his injections?

A. Yes.

5 Q. What sort of injections did you give him?

A. The Inosine-vitamin B mixture, and Furazabol from the bottles which he had.

Q. Did you explain the Furazabol to him?

10 A. Yes, I did. I explained it to him from 1985, and he knew exactly what it was.

Q. Now, you told us that you bought this Furazabol sometime in June, 1985?

A. Either late June or early July, I am not exact to the date.

15 Q. And when did you first use it?

A. Very late in 1985.

Q. In the interval, you told us on Friday that you discussed it first with Mr. Francis, Mr. Johnson, Miss Issajenko, and there might have been a fourth person?

20 A. I think there was a fourth person, but I can't remember who it was.

Q. Now, what about the others, concentrating first on Mr. Johnson. Did he say anything at all when you mentioned the change from whatever they were having to Furazabol? Did Mr. Johnson say anything?

25



A. Did he question me?

Q. Yes.

A. Yes, he asked me what -- he was interested in how strong and how fast it would make him.

5 Q. Yes?

A. And what side effects he should look for. He was quite concerned with the fact that he had a tendency to ingrown hair and acne and he wanted to know if it would affect his skin, affect his face.

10 Q. I see. And can you remember what you told him?

A. Yes, I told him there was a very slight chance because it was mildly androgenic, but that if he noticed any change in the acne to tell me right away so we can stop it or give him a topical antibiotic to fight his acne.

Q. You used the word androgenic to him?

A. Yes.

Q. Did he seem to understand that word?

20 A. No, I told him it was -- it had the effects of a male hormone or testosterone, which he understood.

Q. I see. And with the other athletes, did you use the word androgenic?

25 A. To some; to Angella, she understood.



Q. I see.

A. To the others who I didn't think would understand that terminology, I told them it would -- it had the effects of, you know, it had mild effects similar to testosterone and the masculinizing.

5

Q. I take it you are telling the Commission that some athletes understood technical terms and you spoke to them in technical language, and at other times you spoke to athletes down at their level?

10

A. Well, I spoke to them in language they would understand.

Q. And for Mr. Johnson, you had to break it down a little bit finer?

A. Sometimes, yes. Sometimes.

15

Q. Now, what did you prescribe for Miss Issajenko in the totality of the drugs?

A. Angella was on Winstrol tablets at one time and she reacted also, she got cramps. And then what she was on after was Furazabol and Dianabol tablets.

20

Q. Furazabol and Dianabol?

A. Injectable Furazabol and Dianabol tablets. And she had received previously in the early parts of '83 and '84, I think she had received some Dianabol tablets and some aqueous testosterone. And going back in the records, they received I think on three or

25





four occasions what was supposed to be liquid, injectable water-based Dianabol that they had supplied me with.

Q. Miss Issajenko?

5 A. No, she didn't supply me. One of them, I am not sure who it was who brought it back. They brought it back from a training camp in Tallahassee.

THE COMMISSIONER: I am sorry, I missed that. They brought back which?

10 THE WITNESS: A bottle of water-based injectable Dianabol.

THE COMMISSIONER: I see, thank you.

MR. SOOKRAM:

15 Q. And was there any reason for preferring that to the ordinary Dianabol?

A. No. With the exception that you can -- the water-based Dianabol, they can get a shot once a week and they preferred not to have to take tablets everyday.

20 Q. Did you have at any time, Doctor, a Miss Richardson as your patient?

A. Yes.

Q. Jillian Richardson?

A. I did, yes.

Q. Did you prescribe my steroids for her?

25 A. Never.



Q. What did you prescribe for her?

A. I never prescribed any anabolic steroids, but I don't know about speaking about her problem because of patient-doctor confidentiality.

5 Q. Okay. Miss Edeh?

A. Edeh, yes, Rosie Edeh.

Q. Yes. She was a patient of yours?

A. Yes.

Q. Did you prescribe any steroids for her?

10 A. Never -- well, never any anabolic steroids. I did prescribe Scantapyrin-P for her in Narita, Japan when she injured her knee, and I couldn't find the team doctor.

Q. But she wasn't your patient?

15 A. No, she wasn't. She was my patient in Toronto when she lived here, she was on the Inosine vitamin-B mixture, but that's all she ever got. And then in Narita, Japan when they were training for the Olympics, she injured her knee and the team doctor was unavailable  
20 or just not there. So, somebody had to treat her.

Q. Incidentally, Doctor, and arising out of that same point, whenever you had to treat Canadian athletes or any other athletes abroad, or specifically Canadian athletes, did you ever bill OHIP for that  
25 treatment abroad?



A. No, I never billed OHIP for treatment abroad, and I never billed OHIP for any of the treatments that I did at the tracks and at their homes or my homes.

Q. Now, Mr. Sharpe, Tony Sharpe?

5 A. Yes.

Q. What did you prescribe for him?

A. Tony was on aqueous testosterone. I think he got Dianabol tablets at one time, and one or two injections of the liquid Dianabol which he was in the group that had brought back from Tallahassee.

10

And I am not sure if he got Winstrol tablets, plus the Inosine vitamin B, but I can't remember whether Tony was still training when the Furazabol was implemented. I think he had got injured and had quit training.

15

Q. Mr. Bethune?

A. Yes.

Q. What did you give him?

A. Inosine-vitamin B mixtures and Dianabol tablets.

20

Q. Dianabol?

A. Yes.

Q. Did you tell him it was Dianabol?

A. He saw the bottle.

25 Q. You see what Mr. Bethune told us that



what he saw was a Winstrol V bottle that you had retrieved from your dustbin?

5 A. Well, I am saying I gave Mr. Bethune Dianabol tablets. And he saw the bottle. It was a white plastic bottle with a label, I think, black and yellow, made by Rugby or marketed by Rugby in New York.

Q. Did Mr. Bethune's coach ever come to visit you?

10 A. He came with Tim on one occasion to see how I thought Tim was progressing.

Q. He came to make inquiries?

A. Yes.

Q. You didn't ask to see Mr. Bethune's coach?

15 A. No, I didn't.

Q. Mr. Bethune told us that you told him that you wanted to meet his coach?

A. Why would I want to meet his coach? I am not a runner.

20 Q. Luckily I am in the same position as Mr. Armstrong, I ask the questions, I don't answer them.

A. Well, that was addressed to Mr. Bethune, really.

25 No, I never wanted to meet his coach. I didn't even know who his coach was until he brought him





in.

Q. Mr. Bethune also told us that he was present once when you gave an injection to Mr. Johnson, present in your clinic, and he saw Mr. Johnson drop his pants, get an injection and go out.

It's not a laughing matter, sir, with respect. He said it, you see. Have you got any comment to make on that?

A. He was never in my room at the same time with Ben or anyone except his coach. He didn't see me do anything to Ben. He didn't -- didn't know what was going on. And I wouldn't even think of bringing him in the room with Ben. Ben didn't even like the guy.

Q. Mr. Bethune told us, Dr. Astaphan, that Mr. Johnson called him in the room because he was waiting out there before Mr. Johnson arrived. Can you remember the incident?

A. Sure. Mr. Johnson didn't call him in. Ben walked right through because he would walk in with or without appointments and come straight in.

Q. Would you, Doctor, give one patient an injection in the presence of another patient?

A. On occasion the athletes got injections in front of the ones, the other ones in the group, the close group. Tim Bethune was never even affiliated with



that group.

Q. He told us he came to you and he said, Doctor, could I have -- could I go on the same program with Mr. Johnson. Did he say that to you?

5 A. No. I don't remember him saying that to me, but I wouldn't put him on the same program anyway as Ben because he doesn't have the ability that Ben has.

Q. Are you saying to the Commission that unless you are satisfied that somebody could make it to  
10 the very top, you wouldn't put them on steroids?

A. No. What I am saying is that even if they weren't on the top and they ask me for advice I would give them advice. The athletes in Charlie's group were the elite athletes, and they got their treatment, and  
15 their programs. Tim Bethune certainly wasn't one of them.

Q. I see. Ms. Killingbeck?

A. Yes.

Q. What did you give her?

A. In 1984, about a month prior to the  
20 Olympics, Charlie brought Molly Killingbeck to see me because she had injured herself and had been told by the Bobby Orr Clinic or whatever it's called that she couldn't run in the Olympics. And she was terribly distraught.

And he asked me if I would see to her. And  
25 I saw to her, gave her an anti-inflammatory. I think at



that time we put her on Clinoril, if I am not mistaken.

Q. Clinoril?

A. An anti-inflammatory and treated her with diapulse. And contrary to what she was told that she wouldn't run, she would get two medals in the Olympics?

5

THE COMMISSIONER: I think it was Clinoril the Doctor said.

THE WITNESS: Yes, C-L-I-N-O-R-I-L.

THE COMMISSIONER: It's good for tennis

10

elbow.

MR. SOOKRAM:

Q. No steroids at all?

15

A. Molly never got any anabolic steroids or performance enhancing drugs from me.

Q. Did she get any Furazabol later on?

20

A. I was told so, but not from me. The only injections I have ever given Molly was in Narita, Japan, when she reinjured the knee that she had had arthroscopic surgery on very shortly after the nationals. She twisted it on the training track and her knee puffed up and we removed, I think, 120 cc's of serosanguineous fluid from her knee. And I injected some Xylocaine and 40 milligrams of Depo-Medrol into the knee joint.

25

Q. And she ran?





A. She ran in the Olympics, certainly.

Q. Mr. McKoy?

A. Mark never got any anabolic steroids from me either, unless you are going to call growth hormone an anabolic steroid, which it's not supposed to be.

He got growth hormone from me, a bottle in August '88. And other than that, he received two injections in I think it's his left heel, one in Narita and one in Seoul because he had a tendonitis-bursitis syndrome which he had for about six or nine months. And he had got Depo-Medrol and Xylocaine.

Q. Do you know if at any time after he came back in to the fold, he was once with Mr. Francis and then left and came back?

A. Yes.

Q. Do you know if he had got any steroids then?

A. Yes, he was receiving shots from Charlie.

Q. That would be Furazabol?

A. Yes, and Inosine.

Q. Miss Thibedeau?

A. Yes.

Q. What did she get?



A. Cheryl got Dianabol tablets and she was on -- I think she got a few shots of testosterone which we stopped because she had -- she had quite a bit of acne. And I think she got some Furazabol shots before she broke  
5 her toe. I am not sure.

Q. If I may back track a little bit, I remember Mr. McKoy told us here that at no time did you discuss with him the side effects of any drugs. Is that right, of any steroid?

10 A. I discussed with him at length the side effects of the growth hormone which I gave him. And also on more than one occasion we discussed it at the track the side effects of the shots that they were receiving from Charlie, because if you go back to what I said here last  
15 week, Wednesday or Thursday, in December of '87 when I came to Canada, I went to the track, and I called him both him and Desai off the track because I thought they were -- not Mark so much but Desai definitely was taking too much of whatever he was taking. And Mark was right there.

20 Q. And you explained this side effects to Desai?

A. To both of them. And Charlie had explained the side effects to them, too. Charlie never gave them anything without telling them the side effects  
25 and making sure they understood.



Q. Yes, but it was your duty to explain as well --

A. I did too.

Q. Not leaving it to somebody else?

5 A. Certainly.

Q. You are the doctor?

A. Yes, I know, I did too.

Q. You are telling us --

A. Mark -- even though I wasn't giving him  
10 and he never obtained it from me, I explained to him and  
discussed it with him.

Q. Doctor, when you are discussing side  
effects with some of these athletes, does it always take  
place in your office, in your clinic?

15 A. No. No more often than not it was at  
the track or in a room where we play dominos after they  
train or whatever. Sometimes on the plane.

Q. You take all sorts of opportunities  
when things crop up from time to time to tell them what  
20 you have been finding out in your reading?

A. Yes, but they also -- they also  
question all the time, too, because you know, they all  
these top athletes live, they live by what they take into  
the body. And they are not going to go and take  
25 something unless they know, because what they put in is



what they put out. If they are going to make a living by running, they are definitely going to find out what they are putting in.

5 Q. So, there wasn't any standard practice of saying, well, once a week we will meet or once a month we will meet and we will discuss steroids or after effects or effects?

A. No, there wasn't any standard practice for once a week, but when I was in Toronto, I would see 10 them every day with the exception of Saturday and Sunday.

Q. Was Ms. Smith, Tracy Smith ever your patient?

A. No, no.

Q. How did you come to treat her?

15 A. Did I treat her?

Q. Did you treat her at all?

A. No, I give her a prescription once for I think it was Naprosyn, she was having some -- it is nothing to do with anabolic steroids and I don't think 20 really I should discuss the girl's business.

Q. All right. Did you give Mr. Knight any steroids, Dave Knight?

A. McKnight.

Q. Yes?

25 A. Yes, I did.





Q. What did you give him?

A. Dave got -- he had Winstrol tablets at one time, I think in '84, '85.

Q. Did you give him those?

5 A. Yes, I did.

Q. Yes?

A. And I think he got Inosine and Furazabol on a couple of occasions.

Q. What was his reaction to the Winstrol?

10 A. I don't remember; I really don't remember.

Q. If he had stiffend up, would you have remembered?

A. Sure, because they would have told you.

15 Q. He seemed to have tolerated it?

A. Dave?

Q. Yes.

A. As far as I can remember. Dave didn't train very much because he got injured and then he went  
20 somewhere. I think he went out west.

Q. You never saw him again?

A. I saw him when I came back here I think in '87 or '88. '87, I think.

Q. Do you remember giving him Winstrol?

25 A. Tablets.



Q. And what else?

A. I think he would have either got aqueous testosterone or a couple shots of Furazabol, I am not sure.

5 Q. Did you explain to him as well the side effects of steroids?

A. Sure.

Q. Mr. Sokolowski.

A. Yes.

10 Q. What specifically did you prescribe for him?

A. He got the same thing as Dave McKnight because they usually came in together. As a matter of fact it was a joke, they were called salt and pepper.

15 Q. Salt and pepper?

A. Yes.

Q. Which one was the salt?

THE COMMISSIONER: Well, next question.

MR. SOOKRAM: Yes, sir.

20

MR. SOOKRAM:

Q. Mr. Tyler, Kevin Tyler, did you see him?

25 A. Yes, I think I remember seeing him. I don't remember -- I can't really remember him too much. I



know he was a young, stocky athlete from Vancouver or somewhere out west.

Q. He wasn't your patient?

5 A. For awhile when he was here, but I don't remember. I don't remember that well.

Q. What year would that be?

A. I don't know. I don't know. Either '84 or '85 really I am not sure. His name is not that --

Q. It doesn't ring bells?

10 A. His name rings a bell and I can picture him, but I don't remember him --

Q. Being on steroids?

A. I am not saying he wasn't, I am saying I don't remember. I really don't remember.

15 Q. Mr. Mowatt, you remember him?

A. Yes, very well.

Q. What did you prescribe for him?

20 A. Andy Mowatt went on the Furazabol for a while and the Inosine-Vitamin B mixture. And he was made aware from day one of what it was, what he was getting, the effects and side effects.

Q. Did you --

25 THE COMMISSIONER: I am sorry, who was that? I was just reading something. Who was that, that last --





MR. SOOKRAM: Andrew Mowatt.

THE COMMISSIONER: Thank you.

THE WITNESS: Yes, I made him aware because he was brought in by Cheryl Thibedeau on the advice of Charlie. And I explained it all to him and his response to me was that's the same thing that Charlie told me.

Q. That's the same thing that Charlie told me?

A. Exactly.

Q. So, you didn't just rely on Mr. Francis to tell these athletes about the side effects of the steroids, you told them yourself?

A. Of course, yes.

Q. Mr. Brisbois, was he your patient?

A. Yes.

Q. What did you prescribe for Mr. Brisbois?

A. I didn't prescribe anything for Mr. Brisbois. I actually advised him on what to take. He had a drug store in his hand.

Q. What did he bring in to you to advice him on?

A. Everything.

Q. We had evidence here from him that on



one occasion you had given him some money to purchase some HGH for you. Was that the only time that you would ask Mr. Brisbois to purchase drugs for you?

A. No, it wasn't.

5 Q. What had you asked him to purchase for you altogether?

A. Oh, I had -- I asked him on occasion to get testosterone when somebody needed it, Dianabol tablets. And when I had a request from someone in last  
10 year.

Q. Yes?

A. November last year. They needed some Anavar tablets to give to a friend of theirs who was here in Ottawa.

15 Q. And you approached Mr. Brisbois?

A. I phoned Steve, and he delivered them to me, delivered them to me at World's Fitness Gym in Brampton.

Q. How -- I am sorry?

20 A. He had a box in the back of his car with a 100 bottles of Oxandrolone SA it is called.

Q. That's the time when he delivered these --

A. These two bottles to me.

25 Q. Was he one of your suppliers?



A. Yes, he was.

Q. You didn't explain any drug to him at all?

5 A. Oh, I explained drugs to him, but you say did I supply him. He supplied me.

Q. He supplied you.

A. I explained what the drugs he was on, and I thought they were -- that was in '85 when he came to me because he was doing what they call the body building  
10 stack, which means that they mix a cocktail of every bloody thing they can get their hands on and just shot it up.

Q. Cocktail?

A. That's what it's called. A gym  
15 cocktail. And that is when he came to me. And I tapered him off, changed him from the oil based that he was on to water-based stuff. Explained the effects, side effects, the drugs he was on. As a matter of fact, he knew more about them than I did. On that program he went on and  
20 became Mr. Universe in 1986.

Q. What's the difference between the oil-based steroid and the water-based steroid?

A. The oil-based steroid is a little bit unpredictable in that it depends on your body fat.

25 Q. Body fat.



A. Yes, as how long it will stay in and the dispersal. It's also a little bit dangerous when they are injecting it themselves in that if you put it in the wrong place you tend to get a hematoma and abscess. And  
5 in oil-based steroids it's very easy to sell -- to sell bad stuff coming in, because they all look oily. And you really can't, you know, detect just visually which one is good or which one is not.

The reason for the oil-based stuff being  
10 sort of shunned after awhile was that they had -- one of the big suppliers in Toronto had brought in a shipment from I think somewhere in Tijuana or something like that. And when they had it analyzed it had in it sesame oil, some other kind of cooking oil and -- they had three oils,  
15 that's what they had. And they were selling it for \$80 a bottle.

Q. And did Mr. -- did you have a patient called Dave Steen?

A. Yes, I did.

20 Q. What year was that?

A. Either '84 or '85, I am not sure. I think '84.

Q. Did you prescribe any steroids for him?

MR. SOOKRAM: I don't think we will get an  
25 answer, sir.





THE COMMISSIONER: All right.

MR. SOOKRAM: If the doctor wanted to answer, he would have answered already.

I wonder, sir, if it is a good time for a  
5 break.

THE COMMISSIONER: If this is a good time for a break. We will break now. Thank you very much. We will take a morning break.

10 --- Short recess.

15

20

25



---Upon resuming.

THE COMMISSIONER: Doctor, you have now had an opportunity to reflect on Mr. Sookram's question and would you--I'm directing you answer the question, please.  
5 Will you repeat the question, please?

MR. SOOKRAM: I think I've left my file in there, sir.

THE COMMISSIONER: All right. Do you want to get his file?

10 MR. ARMSTRONG: I'll get it. Where would it be?

MR. LEVINE: It would be in the board room. I'll get it.

MR. SOOKRAM: I will proceed somewhat, sir.

15 THE COMMISSIONER: I'm directing the witness to answer your question. Do you want to repeat the question?

MR. SOOKRAM:

20 Q. Yes, thank you, sir. Dr. Astaphan, just before we broke off, you seemed to take a long time thinking over the answer to this question. Did you at any time prescribe any steroid for Mr. Steen?

A. My recollection is that we had  
25 discussions pertaining to the use and effects of anabolic



steroids. The reason why I paused was that a lot of the content of the discussion was very personal regarding reproduction, et cetera, but, you know, as far as I can recall, I never gave or prescribed any anabolic steroids to Dave.

THE COMMISSIONER: You had a discussion with him though?

THE WITNESS: Yes, quite a few. Quite a few discussions.

THE COMMISSIONER: Go ahead, Mr. Sookram.

MR. SOOKRAM: If you will pardon the indulgence, sir, I would like to check with something.

THE COMMISSIONER: Are you missing something, Mr. Sookram?

MR. SOOKRAM: Yes, sir.

THE COMMISSIONER: Nobody leaves this room. Mr. Levine, can you help Mr. Sookram?

MR. LEVINE: We've got them.

MR. SOOKRAM:

Q. So, Doctor, your hesitation was not because you didn't have an answer, it's simply because you weren't sure?

THE COMMISSIONER: I thought he said because the discussion had some personal matters. Is that





what you said?

MR. SOOKRAM: Yes, not relevant to this inquiry.

THE WITNESS: Yes, sir, the discussions were very personal.

MR. SOOKRAM:

Q. Now, I want to take you back particularly, Dr. Astaphan, to your relationship with Mr. Johnson. You gave us evidence that you had injected Mr. Johnson personally on 50 to 60 occasions, and the information was that at sometime the injections were given at your clinic, at sometimes at your house and sometimes at Mr. Johnson's home. Was there any particular reason why all these injections were not given at your clinic?

A. Yes, because depending on his schedule, I would fit my time into his schedule. Sometimes he wouldn't show up at the clinic or he would be down in the Harbourfront signing documents to prepare this or exhibitions, and I just figured I had better keep the schedule as close to possible, as close as possible to what it should be.

Q. So he would turn up at your house for his injection?

A. Yes.



Q. And when he came to your house or when you went to his house, did he know exactly what you were giving him?

A. Yes, he did. He had his own bottles.

5 Q. He brought his bottle along with him?

A. He had his bottles in his little track bag, yes.

Q. He never shared his bottle with anybody else?

10 A. Well, I can't say that. Not to my knowledge. I don't know what he did with his bottles.

Q. And you drew the injection from his bottle? You drew the substance from his bottle and injected him with it?

15 A. Yes.

Q. And that was the Furazabol?

A. And inosine vitamin B mixture.

Q. He kept his own bottle of that as well?

20 THE COMMISSIONER: I think you told us when you gave--was that before--that's why you're still here in '86 or is that when you left to go back to St. Kitts? I think you told us when you left your practice to go to St. Kitts, you gave Mr. Francis a supply of these drugs and he gave some to Ms. Issajenko I think your evidence was.

25 THE WITNESS: No, I didn't say that. Ms.



Issajenko said that. I said I gave what I had left to Charlie and I kept three, but Ben already had his three bottles.

THE COMMISSIONER: What's what I thought.

5 That was before--

THE WITNESS: Before I left in '86.

THE COMMISSIONER: Before you left in '86.

Thank you.

10 MR. SOOKRAM:

Q. Now in May 1988, you know that Mr. Johnson had injured himself in Tokyo?

A. Yes.

15 Q. And according to the evidence, he telephoned you; is that correct?

A. Charlie called me.

Q. Charlie called.

A. Yes.

Q. And you spoke to Charlie?

20 A. And Ben.

Q. And Ben.

A. Yes.

Q. That in connection with the injury?

A. Yes, it was.

25 Q. And you spoke to Ben?



A. Yes I did.

Q. And what did you ask him, if anything?

A. Well, I knew something had gone wrong just from the tone of his voice.

5 Q. Yes.

A. And Charlie had sort of explained the injury to me, and I asked him, I said, "What went wrong, and he described prior to the race that he was warming up and felt tight because it was cold and damp.

10 Q. He actually told you that?

A. Yes, and then they had put in tortoises or somebody referred to them. We call them rabbits.

THE COMMISSIONER: Somebody called them rabbits?

15 THE WITNESS: No, I did, and somebody said turtles or tortoises or something.

THE COMMISSIONER: I think tortoises--

THE WITNESS: Mr. Johnson told you that.

20 THE COMMISSIONER: I thought rabbits are fast.

THE WITNESS: Yes, but they are also called rabbits in track and field, and they're put in there to make you look good, and Ben told me that they had just filled the numbers with guys who couldn't really run so  
25 that he wouldn't have to exert himself.





MR. SOOKRAM:

Q. This was background information that he was feeding you?

5 A. Yes and somewhere around - I'm not sure of the amount - the 50 or 60 metre he felt his left hamstring pop, as you've heard--

Q. Mr. Johnson told you that?

A. Yes, he felt it tear as though the muscle had ripped.

10 Q. Yes.

A. And he described the pain to me, and then I asked him about--

Q. Can you remember precisely what he said or very closely what he said?

15 A. It felt like a hot knife.

Q. Those were his words?

A. Yes.

Q. Hot knife?

A. Yes, which signifies a tear.

20 Q. Yes, did he describe it in anymore detail?

A. Then it had started to swell and it was painful and that he had--they had seen somebody at the track, a therapist or a doctor or something.

25 Q. And Mr. Johnson told you that as well?



A. Yes.

Q. Yes?

A. And I think they had an appointment to see or they had seen a physician to the ex-emperor, the one that just died.

Q. Yes?

A. And I asked him, if he thought it was a strain and he said no, it felt like it tore.

Q. He told you that?

A. Yes, and he was right.

Q. Would you say, Doctor, that Mr. Johnson knew how his body functioned?

A. Perfectly.

Q. And would you say that he was able to describe in some detail his injuries?

A. Yes, very much so.

Q. Did he sound intelligible to you?

A. Yes.

Q. Did he sound as if he understood what he was talking about?

A. Yes.

Q. What did you say to him, if anything?

A. I told him--A, I told him what my opinion of the injury was, that it sounded like a tear in the mid-medial hamstring and that my suggestion is to come



to Toronto as soon as possible. Don't do too much walking or too much standing. I think they had a clinic to go to the next morning.

Q. And you advised against it?

5 A. I told him I didn't think it was wise to be erect. He shouldn't be up too much on that leg, and he said that they would try to be back here on Saturday or Sunday, and I actually waited until Monday morning and nobody showed up so I went back home.

10 Q. Now, on Friday, you did not give us any explanation as to why when Mr. Johnson's blood was tested and it came up with--

THE COMMISSIONER: 67.

15 THE WITNESS: 61. Our perimetres go from 7 to 35. It was 61.

THE COMMISSIONER: The reading said 67.

THE WITNESS: No, 61 I think. Brisbois said 70 too.

20 MR. SOOKRAM:

Q. You didn't offer us any explanation as to why you didn't do anything right away. You were now in--

A. Narita, Japan.

25 Q. --Narita in Japan and this test was





taken on the 20th of August--

A. The 31st I think. I think so.

Q. 31st of August. How long after that did you get the results in Japan?

5 A. Sometime around 10 days or later.

Q. And you said that you weren't especially concerned of that high figure at the time. Why is that?

10 A. A, for the timing and B, in that the enzyme that was being referred to is SGOT.

Q. All right, let's go back to the time. Tell us a bit about the time.

15 A. Well, the timing, all documentation showed that these tests if elevated because of anabolic steroids return to normal levels within 14 days.

Q. Yes.

A. This was almost 14 days.

Q. Almost 14 days already?

20 A. Yes, and clinically he had no signs or symptoms of any untoward effects.

Q. And you examined him?

A. Yes.

Q. What was your state of knowledge at that time about a high score like that?

25 A. What was my state of knowledge?



Q. Yes.

A. Mine?

Q. Yes, your own state of knowledge apart from steroids.

5                   A. With SGOT it's called a non-specific liver function test, and it's one enzyme that's found in many tissues, particularly skeletal muscle. Anybody undergoing heavy or intensive training, getting a blow to a muscle from the tremendous force they exert. He exerts  
10                   about 59 horsepower when he comes out of the block on his hind leg. The two enzymes, SGOT and CPK, which are very commonly elevated in anybody undergoing heavy intensive training or exercise for up to ten days after one exercise session.

15                   Q. Have you got any literature on that subject that we could pass on to the Commission later on?

                  A. Sure. It's in the American Sports Medicine Journal of 1984, the journal presented--

                  THE COMMISSIONER: I want to follow you,  
20                   Doctor, because all the material that I have read indicates that one of the potential side effects is liver damage from steroids. Are all those reports wrong?

                  THE WITNESS: No, I never even insinuated that, Mr. Dubin. What I am saying is that the liver  
25                   specific tests, one called LDH, liver iso enzyme and



alkaline phosphatase. SGOT is a totally unspecific test, and it's related very commonly to muscle damage from exercise, injury, et cetera.

5 THE COMMISSIONER: It's a liver enzyme test though?

THE WITNESS: Well, it's under the category of liver enzyme, but it is not specifically for liver. In an athlete, the chances of it being elevated are just from exercise or participating in strenuous activity.

10 THE COMMISSIONER: But also when we know somebody's on steroids. Wouldn't that ring a bell with you?

THE WITNESS: Not at 61 because it's not uncommon to have an athlete who would not be on steroids.

15 THE COMMISSIONER: And have the high reading?

20 THE WITNESS: Sure under CPK. If you punch somebody in the thigh, you can get them going very high for ten days. If somebody gets a blow in a muscle, on a big muscle, the thigh or deltoid or something, they can get high enzymes like that for up to ten days. That is why they have liver specific LDH, iso enzyme and alkaline phosphatase are the specific tests.

25 THE COMMISSIONER: That wouldn't alert you. Perhaps they should have a liver specific if you know the





man is on steroids and you have a high reading?

THE WITNESS: Well, we were going to do tests when we came back to Toronto, but Ben notified me very shortly after we got here that his attorney told him not to keep in touch or have anything to do with us, and I advised him to go to his doctor, who was a Dr. Sussman, and get them done, and whether he did or not, I don't know.

10 MR. SOOKRAM:

Q. So you weren't unconcerned about it?

A. No, I wasn't unconcerned, but I was not overly concerned either. That's all in the same attitude.

15 Q. When Mr. Johnson came to St. Kitts for the first time,--

THE COMMISSIONER: Can you give us the year now?

MR. SOOKRAM: I am asking the doctor to tell us.

20 THE COMMISSIONER: Sorry.

MR. SOOKRAM:

Q. When Mr. Johnson came to St. Kitts for the first time in 1985,--

25 A. '86.





Q. '86, sorry, where did he stay?

A. He stayed at my parent's hotel.

Q. Did you see him often?

A. Very often. All the time.

5

Q. How long was that?

A. I think they were there for about two weeks I think.

Q. Did you talk to him often?

A. Everyday. I had three meals a day with him, and I was with him every afternoon training.

10

Q. You watched his training every afternoon?

A. Yes, sir.

15

Q. And when he came the second time, and we've got evidence that you were not on the island?

A. Yes, he came once with Desai and I was in Europe.

Q. And he came the third time. Where did he stay that time?

20

A. The third time he stayed at the Jack Tarr, Royal St. Kitts Hotel.

Q. That's in 1988?

A. No, I think 1988 was his fourth or fifth visit.

25

Q. Fourth or fifth visit. And every time



he came to the island, he would get in touch with you?

A. Yes.

Q. And you talked quite a bit?

A. Yes, sir.

5 Q. Did Mr. Johnson have any difficulty understanding you?

A. No, none at all.

Q. Did you have any difficulty understanding him?

10 A. No.

Q. Between the years '84 and '88, you had got to know Mr. Johnson fairly well, did you not?

A. Yes.

15 Q. What sort of things was he interested in? What sort of subjects did you talk about?

THE COMMISSIONER: Do you want to be more specific?

20 A. His prime concern was his track and field, his training, what he was doing, what he was not doing, what he was taking, what he was not taking.

MR. SOOKRAM:

Q. And he discussed all those things with you?

25 A. Oh, yes, very much.



Q. Did he sound knowledgeable about what he was taking and what he was doing?

A. Yes.

Q. In what other field did he sound  
5 knowledgeable?

A. Cars.

Q. Motor vehicles?

A. Yes, very knowledgeable. Electronic  
equipment.

10 Q. He discussed those things with you?

A. Oh, yes.

A. Investment.

Q. Investments?

A. M'hmm.

15 Q. He talked to you about investments?

A. Yes, he did. He talked to me quite a  
bit about the condominium project that some newspapers  
said he was in 50/50 with me, and obviously a lot about  
women.

20 Q. A lot about women?

A. Oh, plenty.

Q. He was very knowledgeable?

A. He could teach you and I a few things,  
yes.

25 THE COMMISSIONER: Let's get on to



something more relevant, Mr. Sookram.

MR. SOOKRAM:

5 Q. Yes. Over the years, Doctor, since 1984 to 1988, did you notice any particular change in Mr. Johnson's attitude?

A. Yes, there was a noticeable change starting in about September 1987 soon after he won the world championships in Rome.

10 Q. What sort of change? What was he like before that, before '87?

A. Well, he was a very low-key, fun-loving guy before that.

Q. What was the first word?

15 A. Low-key, fun-loving.

Q. Low-key?

A. Yes, in that he would not--he didn't like too much press and publicity and he would--he felt at home with people that he knew prior to this. In 1987,  
20 after he won the world championships and every news media, track and field meet promoter, the CTFA, everybody started pushing him for this, pushing him for that. The other athletes in the group started really pushing and hounding because he had elevated their level of income quite a bit,  
25 not just by his income but just by his presence.





Q. How do you explain that?

A. Well, if Ben turned up at a track meet, the other participants would get quite a bit more than they would if he didn't show up.

5 Q. I see.

A. A lot more. Sometimes they would go from 1 or 2,000 up to 8,000 each.

Q. Just because he was there?

10 A. Just because Ben was there. They would get preferential treatment in hotels because he was there, they would get preferential treatment in restaurants, they would get preferential treatment in the airport. They'd buy economy fares and then be put into first class.

Q. All because Mr. Johnson was present?

15 A. All because Ben was there.

Q. How did this affect Mr. Johnson himself?

20 A. I think it bothered him quite a bit, but he understood initially that it was something he would have to put up with. When you become number one, the sharks come after you, and everybody wanted him, wanted him, wanted him. You have to go here, you have to do this, you have to do that. If he didn't show up at a meet because he was feeling ill or he just didn't want to run, 25 everybody would throw that at him, not just the meet



promoter, but the other athletes on the team would go after him. You didn't come and we had to settle for a grade 2 hotel, and you didn't come and we had to accept \$1200 for running.

5 Q. When they probably could have got 12,000.

A. They could have got between 5 and 8,000 instead of \$1,000 each, yes, or they would have to pay their own way.

10 Q. So you're telling us that winning in Rome and setting the world record was sort of the dividing line between the old Ben and the new Ben?

A. Yes, I think the pressures applied to Ben subsequent to 1983 when he set the world  
15 championships.

Q. '87.

A. '87, sorry, August '87. I think there were tremendous pressures applied by the people who really controlled the track meets and the marketing and  
20 promotions and everything.

Q. What was he like after that, after '87, after all these pressures?

A. He fluctuated. When he was amongst some people that he felt relaxed with, sometimes he would  
25 revert back to Ben. As they call it in West Indian, a



pappyshow, a guy who likes to make a lot of jokes and kid around. When he was out in public, he was extremely edgy and touchy. He didn't like all of the pressures being applied externally. He didn't like the idea that on the way to the track to train, he would have to go down to Harbour Castle or Harbourfront to sign 200 paintings or something that somebody had told him he had to sign.

He didn't like the idea that because of inconveniencing him to go to a meeting or to appear at the thing, some other group would be making 100, \$130,000, and finally, it got to the point that in May, when the decision was made by him whether to go to Europe, to stay in Toronto or come to St. Kitts, his quotation, his statement to me, and this is as close as I can quote it to my memory, "To hell with them. I'm fed up. I'm going to look after myself now."

Q. The pressures of appearing here, there and everywhere were getting to him?

A. Yes.

Q. Mr. Lubin told us that--I'm coming back to Rome, that you had told him about some substance that you had given to Mr. Johnson prior to his running in Rome to mask whatever substance he had, whatever steroids he had taken, and I know you denied it on Friday, but did you give Mr. Johnson anything prior to the Rome meeting in





1987?

A. Yes, I did.

THE COMMISSIONER: Well, he had been on  
steroids before then. We know that. You're talking right  
5 at the meet?

MR. SOOKRAM: Yes.

Q. Did you give him anything prior to the  
meet, any steroids prior to the meet in 1987?

10 A. How soon prior?

THE COMMISSIONER: It's quite clear that he  
was on the steroid program at some time. Are you talking  
about in Rome? I'm not sure what the question is.

15 MR. SOOKRAM:

Q. In preparation for breaking the world  
record or for making the world record in Rome in 1987, was  
Mr. Johnson on a course of steroids?

20 A. Yes, he was, but that course of  
steroids stopped long before we went to Rome.

Q. When he was training he used it and  
then--

A. That's the only time he used it, during  
training.

25 Q. Did you give him any other substances





just prior to running?

A. Yes, I gave him two shots, one the night before and one about three days before, and it was a mixture of inosine and vitamin B complex with a specific vitamin level elevated.

Q. And that doesn't affect his running?

A. It makes him run faster.

Q. It was not a steroid?

A. Absolutely not.

Q. It wasn't a masking agent?

A. No.

Q. It wasn't honeygar?

A. No. Even though he had some with him, it wasn't that, no.

Q. And it wasn't a diuretic?

A. No.

Q. You were relying on the clearance period?

A. Exactly.

Q. Did Mr. Johnson know when he broke the world record in Rome that he was on steroids in his training course?

A. Yes, he did.

Q. Is it your evidence, sir, that Mr. Johnson always knew that he was on some steroid or the



other?

A. When he was on it, yes.

Q. Can you tell us, sir, anything about Mr. Johnson's specific relationship? We know what his relationship with you was at that point. Can you tell us anything about Mr. Johnson's relationship with Mr. McKoy?

A. Mark and Desai have been friends for a very long time, and I think it's going back to, you know, quite a few years ago, before either one became prominent in track and field, and I think there is a very genuine friendship between them.

Q. Between Mark McKoy, Desai--

A. Mark and Ben.

Q. What about Mr. Williams?

A. With whom?

Q. Mr. Johnson.

A. I think Desai becomes people's friends when it's convenient.

Q. What about Mr. Johnson's relationship, as far as you know it, with Mr. Heidebrecht, Mr. Heidebrecht being his business agent?

A. You mean as far as business goes or the personal relationship?

Q. Their personal relationships.

A. They were constantly bickering.



Q. About what?

A. About not getting money for this meet, enough money and not getting here and he didn't like the schedule that he had to go all over the place, and Mr.  
5 Heidebrecht would sort of try to adjust it to suit Ben, but he at times couldn't adjust it because of the previous commitments they had made.

I think at times Ben was surprised that they end up in Italy and be notified there the same day or the  
10 next day that oh, you have to go to another country tomorrow for a day and you have to go here to make his--the thing that bothered Ben to a point that he--at times he claims that they did not inform him of his schedule. I think this is what caused most of the  
15 arguments which they had.

Q. All right. Now, as far as you know, what was Mr. Johnson's relationship with Mr. Matuszewski?

A. I think Ben acknowledged the fact that Waldemar was an extremely competent physiotherapist, but  
20 there was a constant personality clash.

Q. Could you explain that a little bit more?

A. Yes, whereas Ben would go and get--most people would adjust to his schedule. Waldemar was very  
25 strict. You were supposed to be there at 4 o'clock,



you're here two minutes past 4, you wait in turn, and that didn't jive too well with Ben.

Q. His relationship with Mr. Francis?

5 A. Ben respected Charlie as a coach, as a top-notch coach, and there was a very weird type of friendship there.

Q. Weird?

10 A. Yes, it's a friendship built out of respect for one's ability more than out of a liking. I think Ben had a little bit of--this is just my observation. I can't speak for Ben or Charlie.

Q. Yes, your observation.

15 A. I think Ben had a tiny bit of animosity deepseated in him for their years prior to Ben becoming number one where Ben took a distant second and third to Angella and Desaii. I don't think he ever let Charlie forget that.

Q. What was his relationship, as far as you know, to Ms. Issajenko?

20 A. Well, in '83 and '84, the relationship that Angella had with the rest of the club was that she was really the main attraction on the team and the rest of them were just grouped together, and there was a sort of a --the basic--I don't know if you refer to it as  
25 friendship or acknowledgement of each other because you







were training together and travelling together, but Angella at that time was treated as a special one because she was the number one in the group.

Q. Number one with her performance?

5 A. Yes, and number one in the amount of time training and supervising her and she demanded it.

Q. Yes. Had she been a number one money earner at that time as well?

A. Oh, yes. Oh, yes.

10 Q. I didn't mean to interrupt you, Doctor.  
Go on.

A. As Ben became number one in our eyes after beating Carl in Russia at the Friendship Games, I think it was in '85, I'm not sure, and as more attention  
15 was starting to focus on him and everybody started to say Ben is this, Ben is that, I think a little bit of jealousy developed.

Q. Were they on very good terms?

A. On and off because sometimes they  
20 wouldn't speak for days or weeks. Angella was very temperamental, her character. She has been temperamental since I met her in '83 if it didn't go her way, and as Ben became more popular and more temperamental too, I guess  
there is an old saying that two male crabs can't live in  
25 the same hole, so they started bickering, and Ben doesn't



like to argue so he would just ignore her rather than argue.

Q. You're telling us that Mr. Johnson ignored Ms. Issajenko at times?

5 A. Yes, rather than argue or get into any type of discord, he would just either walk off and go and train on his own or leave the track and say, "let's go". Because if something didn't suit Angella, particularly on some days when Ben showed up and the whole press and  
10 everybody ran after him.

Q. And he ignored her?

A. Yes, and she would react. She would react.

Q. I wonder, sir, if you could help us  
15 here with this rift that developed between Mr. Francis and Mr. Johnson. From your standpoint, what do you think or what do you know as being the cause of this difference between the two parties?

A. You mean the one in June, May and June  
20 of '88?

Q. Yes, in 1988.

25



A. The team was going to Europe on a tour and Ben was supposed to go with them. They had the track -- the track and field promoters had arranged all real fancy hotels and salaries and whatever, or payments, whatever you call it. And a couple of clinics where they would make enough money to pay for the extra athletes that were taken along subject to Ben appearing.

Q. Subject to?

A. Subject to Ben appearing. Everything was subject to Ben appearing. And when Ben decided he was not going to Europe because of his injury, the income that they earned when they entered the meets dropped tremendously. Apparently -- and they had got degraded in the hotels, like room-wise, not personally.

Q. How did you know this?

A. Because I found this out when we went to Padova later on and met them. And they had this big argument which everybody could overhear. And I asked what was going on. And that's what it turned out to be because some had to put some of their income from the track, meet pool it with money that Charlie had actually put in on his own.

Q. To pay their way?

A. To pay for the way for others who were going along for the ride. They were competing, but they



weren't any income earners.

Q. So, it wasn't a clash over training?

A. No, it wasn't a clash over training.

Quite contrary to what everybody said of things.

5                   It wasn't real a clash between Charlie and Ben, per se, it was a clash that Charlie was reflecting the pressure put on him by the athletes.

Q. And he just passed it on to Mr. Johnson?

10                  A. Yes.

Q. Mr. Johnson didn't like it?

A. No. Ben blew up at him and he blew up at Ben, but they blew up all the time. They are both high-strung people in a very tense thing, like a race horse and a trainer.

15

Q. They had had differences of opinion over that sort of appearances on previous occasions?

A. Yes.

Q. But nothing as big as in the Olympic year?

20

A. No, and nothing as big as then because Ben's income was high, very high. And his presence made the others who participated, increased their income quite a bit.

25                  Q. Did you, sir, do anything of yourself





to heal that rift between Mr. Johnson and his trainer?

A. Well, I spoke with Charlie, and I spoke with Ben, and Larry Heidebrecht then to, but Larry and myself figured it would last two or three days as it usually does. Sometimes when you hear them shouting at each other you actually look to see if there is any blood on the ground, you think they are going to kill each other. And 10 minutes later they have gone in the same car to have a beer or pizza.

Q. You thought it would blow over in time?

A. I knew it would blow over. I knew they were just letting off steam.

Q. You see, Mr. Matuszewski told us there was, in his opinion, an attempt -- not in his opinion, he said you made overtures to him to take over the coaching of Mr. Johnson from Mr. Francis. What is your comment on that?

A. That's not true. No one person could handle coaching and looking after Ben. You can't coach and be a physician.

Q. Do you have any knowledge of coaching?

A. Yes, I coached in minor soccer.

Q. Not a track athlete of this caliber?

A. No. I have neither knowledge or ability. I was a terrible track athlete, as I said, and I



have absolutely no idea about coaching.

Q. Did you suggest to Mr. Matuszewski that you would coach Mr. Johnson and he would make sure that Mr. Johnson is physically fit so that at least you would go right on to the Olympics without Mr. Francis?

A. No. I -- Ben -- Ben would never go for that.

Q. Did you put it to Mr. Johnson?

A. No. No, I knew -- I wouldn't even think of doing it. I know what he would tell me.

Q. I think you told us on Friday that it was Mr. Matuszewski's suggestion?

A. Well, it was his insinuation or almost a mild overture. You know, he has experience in coaching, I don't.

Q. And he approached you to approach Mr. Johnson?

A. Well, he said, oh, what about this idea, and what about that idea, and would you speak to Ben. And I said I am not telling Ben anything, you go tell him what you want.

You know, Ben would never have left Charlie for any other trainer or coach because Ben knew fully well Charlie's ability and where Charlie had brought him to and from where he had brought him from. So, even the



assumption of that would be ludicrous.

Q. Now, sir, you had a contract with Mr. Johnson for four or five month's training leading up to the Olympics and possibly one month beyond. Is that correct?

A. It was from the 23rd of May to the 18 of October. It wasn't for training, it was for looking after him.

Q. Looking after him?

A. Taking care of him physically.

Q. And you were signing a contract with Mr. --

THE COMMISSIONER: It's addressed to Mr. Earl, but it is signed by Mr. Johnson.

MR. SOOKRAM:

Q. Signed by Mr. Johnson. You remember such a contract whereby you were to provide diagnosis, treatment, and rehabilitation of Mr. Johnson's injuries?

A. I do.

Q. To maintain his physical and psychological integrity?

A. Uh-huh.

Q. Were you, sir, at any time -- did you, sir, at any time ask for a percentage of Mr. Johnson's



earnings?

A. Never.

Q. All you had was your contract for a few months?

5 A. That's right.

Q. Is that all you wanted?

A. That's it.

Q. Were you prepared to leave your practice and follow Mr. Johnson around the world?

10 A. I did.

Q. For --

A. Pardon?

Q. You did follow him around the world?

A. Sure, I did.

15 Q. For how long?

A. Starting in June when I went to Italy and Finland with him. Then I came up here with him on a couple of occasions. Then we went back to -- then we went to Japan and then Seoul.

20 Q. Were you prepared to continue along that same line as Mr. Johnson's personal physician for as long as he wanted you?

A. No. I think after October I would have -- I would have called it quits.

25 Q. Is that why -- whose idea was it to





have this contract run for five months, Mr. Earl's or yours?

A. No, that was all it needed because the 18th of October would have been the end of the post-Olympic meets in Japan.

Q. They were going to have some more run-offs?

A. Sure, two very big money races in Japan, yes.

Q. As far as you know, those money races and other earnings had nothing to do with you, you were on a fixed salary?

A. Yes, sir.

Q. Do you know what Mr. Heidebrecht's percentage was on those meets?

A. I think it was 17 or 17-and-a-half percent.

Q. Do you know what Mr. Francis' cut was?

A. No. My information is it is somewhere between three and four percent.

Q. Do you know what Mr. Matuszewski's cut was?

A. I think he got five percent of what each athlete made for running in a race, their appearance fee.



Q. Not on those meets arranged by the CTFA?

A. On any meet where they got money. They got money at the meets arranged by the CTFA, too.

5 THE COMMISSIONER: Do you know this yourself?

THE WITNESS: Yes, sir. Because he told me. He told me he wanted 10 percent and he was only getting five.

10

MR. SOOKRAM:

Q. Did you ask Mr. Francis what his percentage was?

15 A. No, I didn't. It was none of my business.

Q. Did you ask Mr. Heidebrecht what his percentage was?

A. Yes, I discussed it with Larry on many occasions.

20 Q. Is it true that at one time Mr. Heidebrecht was getting 20 percent of whatever he arranged for Mr. Johnson?

25 A. I think it was Heritage, the company that he worked for, got 20 percent, and Larry got a percentage of that. I am not sure how much he got. But I



think his cut of the 20 percent worked out to possibly 12-and-a-half percent. I am not sure.

Q. What, sir, in your estimation was the amount of money to be earned from the promotions after the Olympics.

THE COMMISSIONER: How relevant is that, Mr. Sookram? We know that there was a lot of money made, the amount doesn't really materialize.

MR. SOOKRAM: Very well. Sir. Perhaps my calculations are not necessary.

THE COMMISSIONER: All right. It is all speculation. Go ahead.

MR. SOOKRAM:

Q. I want to change the subject with you, Doctor, as regards these diuretics that you had given to some of these athletes shortly before the Olympics. Had you given diuretics to any of these athletes before 1988?

A. Yes.

Q. What for what reason?

A. For fluid retention, particularly the female athletes.

Q. Could you explain that a little bit more, please.

A. Yes. There is a tendency when on any



anabolic steroid to retain a little bit of water. And on the female athlete because of female hormones, para-menstruation and either side of menstruation they normally retain fluid anyway, and it just amplified the fluid retention. And you know, they get a little bit cranky when they retain fluid.

Q. I see. So, you used diuretics as one way of reducing the fluid retention?

A. Yes.

Q. Is there any scientific basis for that, Doctor?

A. Sure there is, that's what they are made for.

Q. Have you got any literature that we could probably send down to the Commission, pass on through Mr. Armstrong.

THE COMMISSIONER: We know what diuretics are, they increase the excretion of the body fluids.

MR. SOOKRAM: The --

THE COMMISSIONER: Increase excretion.

MR. SOOKRAM: Excretion, thank you, sir.

MR. SOOKRAM:

Q. Did you, Doctor, need to use diuretics to mask the effect of the steroids prior to a meet?





A. No.

Q. Why not?

A. Because you didn't need diuretics because of the clearance times. You wouldn't need diuretics.

Q. There was some suggestion made that you didn't have sufficient clearance time for meeting for the Olympic meeting. The team left Canada towards the end of August, were they on steroids over in Europe?

A. No.

Q. Were they on steroids in Japan?

A. No.

Q. Were they on steroids --

THE COMMISSIONER: I am sorry, in Europe, I don't follow. Europe was before Toronto?

MR. SOOKRAM: No, I am so sorry.

THE COMMISSIONER: You meant in Japan.

MR. SOOKRAM:

Q. In Japan. From the time the athletes left Toronto, to your knowledge, had anybody in that particular team, the Mazda team, been on steroids?

A. You mean when they left here to go to Japan and Seoul?

Q. Yes.



A. No.

Q. Do you remember the date when they left here?

5 A. No, I think it was around either the 6th or the 10th of September rings a bell, but I am not sure what date it was. It was a Tuesday night, anyway.

Q. What was your clearance time for Stanozolol?

A. Stanozolol?

10 THE COMMISSIONER: Stanozolol?

MR. SOOKRAM:

Q. Furazabol.

15 THE COMMISSIONER: Excuse me, Stanozolol you told us 28 days and there's been a -- somebody has detected 21 days. Did he not say that?

THE WITNESS: I said the low to mid 30's.

THE COMMISSIONER: Pardon?

20 THE WITNESS: I said low to mid 30's for injectable Winstrol. I said the low to mid 30's.

THE COMMISSIONER: Pardon?

THE WITNESS: I said the standard is -- the accepted thing is 28 days, but it has been identified in the low to mid 30 and in fact from 30 to 36 days after.

25 THE COMMISSIONER: Yes, I thought the



clearance time for Stanazolol was 28 days and possibly as high as 31, is that right?

THE WITNESS: Thirty-five

THE COMMISSIONER: Thirty-five.

5

MR. SOOKRAM:

Q. Now, if that were so, sir, and the athletes had up to the first week in September been on Stanazolol, they would all have tested positive late in September when they ran, wouldn't they?

10

A. Yes.

THE COMMISSIONER: Those that were tested.

MR. SOOKRAM: Those that were tested.

15

MR. SOOKRAM:

Q. Now --

THE COMMISSIONER: Without diuretics and without any help.

20

MR. SOOKRAM: Without diuretics and without any help?

THE WITNESS: Mr. Dubin, I don't mean to interrupt, but I think you are interfering or insinuating something.

25

THE COMMISSIONER: We are putting a hypothetical case now and I think that we have had



evidence elsewhere that you cannot -- that there are masking agents and other procedures to avoid detection even within 28 days?

5 THE WITNESS: Yes, but I already said diuretics don't mask anything.

THE COMMISSIONER: I understand that, but I was just trying to put the whole matter on the record.

10 In any event, we know that if you took Stanazolol within 28 days of a meet you are likely to be found to have positive readings.

THE WITNESS: Well --

THE COMMISSIONER: That's what you said. Isn't that right? You just said --

15 THE WITNESS: No, I said it could be. You can beat it.

THE COMMISSIONER: Yes.

MR. SOOKRAM:

20 Q. Now, when Mr. Johnson ran in Rome in 1987, according to you, what was he on? What was he training on?

A. He was training on Furazabol.

Q. And his clearance time then?

A. Was 14 days.

25 Q. Fourteen days.





THE COMMISSIONER: Is that so -- he took steroids within 14 days of the world championships?

THE WITNESS: Yes, sir.

5 MR. SOOKRAM:

Q. On that basis, if he had taken Furazabol whilst in Canada and then gone across to Korea, would he have had sufficient clearance time?

A. Definitely.

10 Q. And you don't know that he had anything other than Furazabol?

A. No.

Q. That he trained on anything other than?

A. Not to my knowledge, no.

15 Q. Had Mr. Johnson been tested previously within the clearance time for Furazabol?

A. Within the clearance time?

Q. Yes. Perhaps I didn't phrase it nicely.

20 A. The clearance time is 10 to 14 days. You mean has he been tested on a period shorter than that?

Q. No. Had he had tests conducted on him in all the other trainings on Furazabol?

25 A. Well, not just the training, but he, I think, I don't know the exact number, but I think Charlie



said he was tested either 18 or 20 times or something like that over the past five or six years.

Q. On Furazabol?

A. Yes.

5

Q. And nothing came up?

A. Well, he was only on Furazabol for three of those years, but nothing came up.

10

Q. You were fairly confident, were you not, that if he were -- if he followed your regime in Canada when he went to Korea, they would find nothing?

A. Yes.

Q. So, you didn't need to give him any diuretics?

15

A. You wouldn't give him for masking anyway. I didn't need to mask period. I didn't need to do any masking.

Q. Okay. Now, this honeygar, honey and vinegar, did you introduce that to the Mazda team?

A. No, I didn't.

20

Q. You see there is some evidence here that a few days before the meeting you gave to Mr. McKoy, who didn't need it, some honeygar and he gave it to somebody else to give to Mr. Johnson. Was that for the purpose of trying to mask any substance, any steroid, that you might have been given to Mr. Johnson?

25



A. That's two reasons that's a little bit convoluted, but the bottom line that is not for masking anything. That wasn't given to anybody to mask anything.

Q. Who introduced honeygar to the team?

5 A. Ben. Ben came to St. Kitts and saw all the young men drinking honeygar because it's supposed to be a sexual stimulant the same as sasparillo. And he got into the honeygar business. And he brought back some with him. When he went to the Narita, Japan, he had six or  
10 eight bottles of honeygar and a couple of gallons of sasparillo in his room. And the others kept going in and he also had malt tonic and maltigloban which is that hemaglobin substitute with a malt extract. And everybody kept going into to his room to take it out and use it.  
15 And finally he hid it. He hid a gallon in my room and about two or three bottles of honeygar.

Q. You see, Doctor, there is some suggestion here that you cut the steroid program very close to the bone so that you were worried about Mr.  
20 Johnson not passing his steroid test. And so, you introduced diuretics and honeygar at the last moment in an attempt to avoid detection. Have you got any comment for us on that?

A. That's a ludicrous assumption.

25 Q. Why do you say that?



A. Because on one the hand I am referred -- they refer to me as the maestro of chemistry and the next time they are saying I am panicking. I didn't panic, nobody panicked. They didn't need any  
5 masking agents. They didn't need anything. The program they were on they could not be detected.

Q. And the program was Furazabol?

A. Exactly. They had been tested on numerous occasions and cleared. Cleared even the IOC  
10 machines. If we had any, any doubts whatsoever, we could have used proper masking agents. You don't use diuretics and honeygar to mask anything.

Q. Proper masking agents were available if you had doubts, but you had no doubts?

A. None.

Q. Because Mr. Johnson had been tested on several occasions when he had been taking Furazabol for his training?

A. Yes, sir.

Q. And all of them had been cleared?

A. Every one -- at least, let me put it this way, the lab reports told us they were clear.

Q. Now, on Friday --

THE COMMISSIONER: Go ahead.

MR. SOOKRAM: Can I continue?





THE COMMISSIONER: Sure, please.

MR. SOOKRAM:

5 Q. On Friday, I noted the way you actually  
responded to Mr. Armstrong in these words, "no way, he  
should have or could have tested positive on what he was  
on." Are you telling us today that as far as you know,  
what Mr. Johnson was on was Furazabol?

A. Yes.

10 Q. And why is it that he could not or  
should not have tested positive for Furazabol?

A. Because he hadn't taken any for at  
least 26 days.

15

20

25



Q. As far as you knew?

A. As far as I know.

Q. To your knowledge, sir, when did Mr. Johnson receive his last shot?

5 A. I think it was the 28th of August.

Q. Who gave it to him?

A. I did. The last shot of Furazabol. I think Charlie gave him a shot. I'm not sure, but I think he said inosine and vitamin B two or three days after that.

10

Q. And the 20th of August, that would be in Canada?

A. 28th.

Q. 2-8. And that would have been in Canada?

15

THE COMMISSIONER: Dr. Astaphan said he injected him twice, 25th and 28th of August.

THE WITNESS: Either 25th and 28th or 25th and 27th of August.

THE COMMISSIONER: All right. When he was here.

20

MR. SOOKRAM: In Canada?

THE WITNESS: Yes.

THE COMMISSIONER: And that was out of Mr. Johnson's bottle that you had given to him, the same?

25



THE WITNESS: Yes, at his home.

THE COMMISSIONER: And that was the same time you gave Mr. Francis all his bottles? It was before that.

5 THE WITNESS: I gave Charlie his bottles in 1986.

THE COMMISSIONER: And Mr. Johnson, did he have one bottle all these years?

THE WITNESS: He had three bottles.

10 THE COMMISSIONER: And you gave them to him only at one time or all three at one time?

THE WITNESS: I was going home. I had to leave them with him.

15 THE COMMISSIONER: No, you weren't going home.

THE WITNESS: In '86, sure I was.

THE COMMISSIONER: You gave him three bottles in '86, did you?

THE WITNESS: Yes.

20 THE COMMISSIONER: Oh, I see. Would be the same time as you gave Mr. Francis his supply in '86?

THE WITNESS: Yes. Actually, Ben got his a couple of weeks before.

25 THE COMMISSIONER: I see, out of the same supply though?



THE WITNESS: Yes.

MR. SOOKRAM:

5 Q. As far as you know from the 28th day of  
August to the time that Mr. Johnson ran his  
world-shattering race in Korea, you did not give him any  
steroid injections?

A. Not after the 28th of August, no. No  
anabolic steroids.

10 THE COMMISSIONER: You gave him cortisone?

THE WITNESS: I gave him cortisone in his  
heel.

MR. SOOKRAM:

15 Q. Now, sir, have you ever discussed with  
anyone outside the Mazda inner circle about the steroids  
that some of the athletes were on?

A. Which athletes?

20 Q. Your athletes in the Mazda team. Have  
you ever discussed them with outsiders?

A. No.

Q. Why?

A. Because it was a secret for the club.

Q. Yes, any other reason?

25 THE COMMISSIONER: Well, because it would





blow the whole game.

THE WITNESS: Pardon?

THE COMMISSIONER: It would blow the game if it came out.

5 THE WITNESS: I don't know what game you're referring to.

THE COMMISSIONER: I'm sorry, it's the wrong word for it, but once it was disclosed that your athletes were taking steroids, that would be the end of the program and of their--

10

THE WITNESS: I'm not trying--I really am not following you.

THE COMMISSIONER: Well, Mr. Sookram asked you did you tell anybody outside the group about them taking steroids and you said it was a secret.

15

THE WITNESS: No, I think he said "the steroid program that they were on". I think he meant the specific steroids.

20 MR. SOOKRAM:

Q. There was some suggestion, Doctor, that you told people in Europe and on various track and field meets in Toronto about the steroid program of your athletes?

25 A. I was constantly questioned about the



program that they were on, and nobody except the group knew. I would discuss steroid programs in general with other people, sure.

5 Q. But not what that particular person was taking?

A. No, it wouldn't make sense.

THE COMMISSIONER: That's right, it wouldn't make sense to disclose that any of the Mazda group were on steroids.

10 THE WITNESS: Everybody knew they were on steroids. They just didn't know what. It's an unwritten thing in track and field, Mr. Dubin. They all know. Even the organizers.

15 THE COMMISSIONER: They didn't know which one, is that it?

THE WITNESS: Exactly.

THE COMMISSIONER: But everybody knew that the Mazda group were on steroids?

20 THE WITNESS: They know that all the top athletes were on steroids, not just the Mazda group.

THE COMMISSIONER: Well, that's what you say, but the CTFA people all knew that your athletes were on steroids?

25 THE WITNESS: I can't speak for them, but I would assume they should have known.



THE COMMISSIONER: And the Canadian Olympic Association would know as well?

THE WITNESS: I would assume so. They would certainly have --sure if they were keeping tabs on what was going on, that all these athletes were on steroids.

THE COMMISSIONER: Anabolic steroids of some kind?

THE WITNESS: Yes, sir. I mean, you don't go from 10:17--

THE COMMISSIONER: The only secret was the particular steroid and the steroid program, is that what you are saying?

THE WITNESS: That wasn't the only secret. We had a major part--

THE COMMISSIONER: But you're all denying it all the time. Everybody was denying it. We've heard that. When asked, the answer was no. Are you on steroids, no.

THE WITNESS: When did you mean, after Seoul?

THE COMMISSIONER: Well, Ms. Issajenko said that everybody -- you being asked, there was some suggestion earlier and I think some threatened lawsuits over people saying you were on steroids--not you, but the



group were.

THE WITNESS: But you don't expect them to say yes. The CTFA will come and take away their card. It's like the same thing with the--Mr. Dubin, if the Olympic committee, if the IOC thought that they would not lie when they are filling out the lab forms before they test them, if they thought they were telling the truth, they wouldn't have to do the test.

THE COMMISSIONER: I understand that, but I don't understand--Mr. Sookram is suggesting that you had told--there is some suggestion that you told other people, and you say you had not told them the particular program. The truth of the matter is you denied they were on any program prior to your evidence here today--last week and today.

THE WITNESS: No, I denied it to people who had no right in knowing.

THE COMMISSIONER: Well, anybody outside the group.

THE WITNESS: No, Mr. Dubin. People in the track and field knew. They all know.

THE COMMISSIONER: Did you tell them that the Mazda people were using enhancing-performance drugs?

THE WITNESS: I didn't tell them, they knew. I just didn't mention any names. They all knew.





It's a club, you know. The Africans, the Americans, the Canadians. All those top, elite athletes are a club, and they know what each other is doing, they just don't know what they are taking and when, and that is the secret.

5 What and when.

THE COMMISSIONER: But you're saying not just the athletes, but those responsible for running the meets and regulating the program.

10 THE WITNESS: I suspect--my suspicion is that they all knew. You know, hindsight is 20/20, and everybody--

THE COMMISSIONER: Then why have to deny it if everybody knows?

15 THE WITNESS: You're not going to go and admit it publicly. If I say yes, I'm taking steroids publicly and I'm a carded athlete, what's the governing body going to do?

20 THE COMMISSIONER: Obviously you wouldn't be able to run in the meets, you wouldn't be able to qualify to participate.

THE WITNESS: That's right, and that's how they make their income.

25 THE COMMISSIONER: Go ahead. Well, were you asked by anybody in authority whether these athletes were on steroids? Were you specifically asked that?



THE WITNESS: No.

THE COMMISSIONER: Were you ever asked by anybody from the CTFA or from the Canadian Olympic Association?

5 THE WITNESS: No, the only person I've ever spoken to from the CTFA was a gentleman called Steve Findlay, and it had nothing to do with what the athletes were on.

10 THE COMMISSIONER: So you say although so many people knew, including those with authority to disqualify your athletes from competition, that they never asked you?

15 THE WITNESS: No, they never asked me. Mr. Dubin, can I just go back a couple of days. I don't know if you want to use this as an exhibit or what, but that's the Sports Medicine Foundation of Canada's report going back to 1983.

20 THE COMMISSIONER: I know that. That's why Sports Canada got so particularly concerned about it was after the Pan American games in '83.

25 THE WITNESS: They got concerned, but did they do anything? They haven't--up until last year, they hadn't brought in random testing, and every time they were going to bring it in, they got a threat from the top athletes and coaches that if you bring it in, we're not



going to compete at your meets. As far as I know, it hasn't officially been brought in.

THE COMMISSIONER: I was just asking you whether they every asked you?

5 THE WITNESS: No, sir, nobody asked me anything. I would have told them.

THE COMMISSIONER: You would have told them what? You would have denied it surely.

10 THE WITNESS: No, because I suspect that who would have asked me would have known what was going on. They were just asking out of--

THE COMMISSIONER: If they came to you in '84 or '87 or '86 and said there is a rumour about that this group are on steroids and that's why they are all  
15 doing so well. What do you say about that, Doctor? Are you suggesting you would have said that's right?

THE WITNESS: Yes. What would they have done? Banned the whole Mazda group?

20 THE COMMISSIONER: I'm asking you what you would have done. You said that's right.

THE WITNESS: Probably if it was somebody that I knew from the CTFA because--

THE COMMISSIONER: Like who?

25 THE WITNESS: The only person I know is Steve Findlay.



THE COMMISSIONER: Did you know Mr. Bogue?

THE WITNESS: No, sir.

THE COMMISSIONER: And you would have told  
Mr. Findlay if he asked you, are your athletes on  
steroids?

THE WITNESS: Steve probably because he  
looked like he was a very understanding person.

THE COMMISSIONER: Did he ask you?

THE WITNESS: No.

THE COMMISSIONER: All he had to do was ask  
you - and I've used the expression properly - the game  
would have been over? All your athletes who had been  
disqualified from further competition?

THE WITNESS: Well, I don't want to say  
anything, but I don't think they would have disqualified  
them if they found out.

THE COMMISSIONER: You didn't give him a  
chance to make that decision?

THE WITNESS: I wasn't going to volunteer  
any information. It was their place to ask me. I wasn't  
going to go and tell them.

THE COMMISSIONER: I understand.

THE WITNESS: Mr. Dubin, can I just draw  
one little reference here. If you go from running 10.17  
to 9.83 and people who are supposed to be authorities and







governing bodies in the sports don't know that something's going on, then you got a serious problem, a real serious problem.

THE COMMISSIONER: Did you ever talk to Mr. Mach about this? He was, after all, the head--

THE WITNESS: No, the first time I ever met Mr. Mach was I think in Cesanitico last August.

THE COMMISSIONER: But he would know the significance of these times which you say start from 10 something to 9--

THE WITNESS: My information is that in the '84 Olympics, Ben won the bronze medal 10.17 and in 1987 August, which is three years later, he ran 9.83 and he could have done 9.79.

THE COMMISSIONER: And in the Olympics he ran well.

THE WITNESS: There he did 9.79. He should have done 9.75 but he put his hand up--

THE COMMISSIONER: In the Olympics he ran 9.79.

THE WITNESS: Yes, sir. He could have gone about 5/100th quicker.

THE COMMISSIONER: And you're saying a knowledgeable coach in track and field would--that would make him very inquisitive?



THE WITNESS: Well, I'm not going to go into the credibility of anybody's knowledge. What I will go into is the credibility of their vision or they're obviously closing their eyes.

5 THE COMMISSIONER: I'm sorry, I didn't hear the answer.

THE WITNESS: I am not going to question anybody's ability as a coach or credibility, what I am going to say is that they obviously either have myasthenia  
10 gravis where the eyelids are lagging or they wilfully close their eyes.

THE COMMISSIONER: Either the eye lids drag naturally or they are being closed a little bit?

THE WITNESS: Yes, sir.

15 THE COMMISSIONER: I see. I'll give you five more minutes. I've taken five minutes of your time.

MR. SOOKRAM:

20 Q. Now, before I open up a whole new can of worms--

THE COMMISSIONER: No more. Perhaps, Doctor, you could tell us something about a recent article, a revised issue Anabolic Reference Guide 1988 Mile High Publishing in Lakewood telling us something  
25 about Winstrol.



THE COMMISSIONER: '88, is this?

MR. SOOKRAM: Yes.

THE WITNESS: That's the revised issue.

There was one in '86.

5

MR. SOOKRAM:

Q. I just want you to comment on a few things about the availability to athletes of an article like this.

10

A. This is another handbook like the one you saw previously.

THE COMMISSIONER: Like Muscle Drugs?

15

THE WITNESS: Yes, sir, and this is freely available all over Canada and the States. Usually by the same token, the drug suppliers will hand it out to athletes or people--

THE COMMISSIONER: And this was distributed by whom?

20

THE WITNESS: Mile High Publishing in Lakewood, Colorado. It's--

THE COMMISSIONER: Is it sort of a sales pitch, is it?

25

THE WITNESS: No, it's another--it's almost a dictionary of anabolic steroids. It's quite a bit more detailed than that one and gives you a whole thing here on



everything. As a matter of fact, it gives you--

MR. SOOKRAM:

5 Q. I would like to direct your attention to one little bit of it. Yesterday, Doctor, you told us that athletes can't be frightened of steroids.

A. Not really.

10 Q. That they have to be educated more or less. With articles like these freely available, would you think that an athlete is more likely to be guided by something that they read here than something that was told to them by, say, officials from the track and field association? Could you look at the article on Winstrol on page 47. Could I pass my copy?

15 THE COMMISSIONER: Yes. Thank you.

MR. SOOKRAM:

Q. Could you please read, Doctor, the first eight lines.

20 A. Winstrol stanozolol 50 milligrams per cc or 2 milligrams tablets.

25 " This is a very popular anabolic steroid solution suspended in water. It is used to cut up by many body builders. Also it has been used successfully to build size and





strength without gaining any extra water weight. It is very clean and is of use to some women athletes who use it because it is so low in androgens. It is in water so it is fast to get in and out of the system. For this reason, it must be administered often to be effective. The shots are taken every other day usually. This drug is an all-purpose anabolic like deca and tends to be very safe to use even on long cycles."

Q. Please stop there. Is this the sort of thing the athletes would be getting from the drug suppliers?

A. Yes.

Q. Is this a sort of book that is freely available to our athletes out there?

A. Oh, sure it is.

Q. And is it your--

THE COMMISSIONER: Well, it's quite different from the first one because the first one sets forth -- the Exhibit 188 sets forth some very serious side effects from Winstrol. Have you seen this one?

THE WITNESS: The first one, yes. Well, the first one is a little bit.

THE COMMISSIONER: A little bit? A little



bit?

THE WITNESS: I mean, it's a little bit more concise than this.

5 THE COMMISSIONER: Well, these are the effects. Nausea, abdominal fullness, loss of appetite, vomiting, burning of tongue, acne, jaundice, increased frequency of erection, bladder and irritation, menstrual irregularities, masculination of fetus, deepening of voice and other certain things discussed here. And this one  
10 says it's safe.

THE WITNESS: This one says it's safe.

MR. SOOKRAM:

Q. And athletes are exposed to both  
15 booklets. We have heard, Doctor, that Mr. McKoy summed is up very nicely that he couldn't care about the effects. The idea was getting to the top. Ms. Issajenko in different words expressed the same thing. Getting to the top was the big thing.

20 Mr. McKoy pointed out that you tried for five years to get to the top. He was in the top five and didn't move from there, and he could obviously close his eyes to whatever he was given. Now, you have been with athletes for more time than anybody else who has given  
25 testimony except the athletes themselves. Do you think



that athletes read both sets of printouts, one saying look, it's terrible and this one saying it's not all that bad? Do you think that they'll deliberately close their eyes and favour the one that is more favourable?

5 THE COMMISSIONER: How would the doctor know that? It's an individual interpretation.

THE WITNESS: Well, I'll tell you, Mr. Dubin, that was verified in a study done two years ago where a group was asked if they were given an anabolic steroid or other medication and they would have a  
10 guarantee that they would win --

THE COMMISSIONER: And die the next day.

THE WITNESS: And nine out of ten said--

THE COMMISSIONER: Was that Dr. Goldman's  
15 book or something like that? I read it.

THE WITNESS: I don't know whose book it was. I really, don't know, but nine out of ten said that they would take the anabolic steroid and die after they won what they wanted to.

20 THE COMMISSIONER: I read that publication.

MR. SOOKRAM: Perhaps now is a right time.

THE COMMISSIONER: Now is the right time.

2:30, please.

25 ---Lunch adjournment.



---Upon resuming.

THE COMMISSIONER: Mr. Sookram?

MR. SOOKRAM: Sorry to hold you back, sir.

I was just taking my last bit of my medication.

5 THE COMMISSIONER: I hear you're a bit  
under the weather today. Are you feeling better now?

MR. SOOKRAM: Very much so. More so than  
this morning.

10 Q. Dr. Astaphan, in this part of the  
proceedings, I want to take you back to Seoul in September  
1988, particularly those events that transpired after Mr.  
Johnson had tested positive for the first time. How did  
you receive the communication that Mr. Johnson had tested  
15 positive, apart from the phone call from Mr. Francis? Did  
anybody else speak to you?

A. You mean the first test or the second  
test?

Q. The first test.

20 A. No, just Charlie.

Q. Did you at any time make any attempt to  
meet with the officials of the Canadian team?

A. Yes, I did.

25 Q. To whom did you try to--whom did you  
try to contact?





A. Well, Larry Heidebrecht and myself went to the hotel with Ben and Charlie where Mr. Pound and the group were staying.

Q. Yes.

5 A. And some two or three of them came downstairs and met us and they went back up, and Charlie tried quite a bit to see if they would allow us upstairs and the answer was no.

10 Q. Did you try at any subsequent time to meet with any officials from the Canadian team?

A. Yes, on the Monday when they had taken Charlie, Ben and Dave Lyons to the lab or the committee room for retesting.

Q. Yes, and what was the result?

15 A. We ended up sitting in the stands looking at the racers.

Q. Nobody wanted to talk to you?

A. None.

20 Q. Nobody wanted to find out whether or not you had given Mr. Johnson this stanozolol?

A. No.

Q. Nobody wanted to find out whether or not you had anything to say?

A. That's right.

25 Q. Now, Mrs. Letheren gave evidence to the



effect that you were in Mr. Johnson's room when Dr. Stanish was also present, is that correct, at one time?

A. Yes, I was.

Q. Was that before the second test or the first test?

A. That was when they came to take the medal back.

Q. Yes. And she told us that you asked Mr. Johnson about whether or not you had taken any pink tablets and that Dr. Stanish invited you out into the corridor. Dr. Stanish denied that. What is your version? Did he or did he not ask you out into the corridor?

A. He did.

THE COMMISSIONER: This has already been covered through Mr. Armstrong, the very same questions.

MR. SOOKRAM: Yes but we didn't get the gist of the conversation.

THE COMMISSIONER: I thought we did. Go ahead.

MR. SOOKRAM: I stand corrected, sir. If you want me to pass over it, I will.

THE COMMISSIONER: Go ahead if you think it's important. I think we covered this with Mr. Armstrong, but go ahead. We're close to it now, I'm sure.



MR. SOOKRAM:

Q. Thank you. Dr. Astaphan, apart from what you told Mr. Armstrong that Mr. Stanish told you that your patient or Mr. Johnson had not told you the truth, 5 was there any question put to you by Mr. Stanish about whether or not you had administered any steroids to Mr. Johnson?

A. No.

Q. Did he ask you anything about 10 stanozolol?

A. No.

Q. Did he even ask you about the pink tablets that were discussed in the room?

A. No.

Q. What was your impression after he left 15 you or you left him?

THE COMMISSIONER: Is this what somebody said or what?

MR. SOOKRAM:

Q. Your impression as regards his wanting to find out what happened?

A. Doug Stanish told me, "Jamie, Ben's lying to you" and that was it. My impression was that I 25 don't think they really wanted to know what happened.



Q. Now,--

THE COMMISSIONER: Well, you weren't going to tell them, Doctor.

THE WITNESS: Pardon?

5 THE COMMISSIONER: You weren't going to tell them that you had been giving steroids to Mr. Johnson since 1983.

THE WITNESS: Why wouldn't I tell them at that point?

10 THE COMMISSIONER: Because it's the first time you told anybody before this Commission. You never told anybody before until you testified.

THE WITNESS: Whoever asked had no right asking and who should have asked never asked.

15 THE COMMISSIONER: I see. You would have told them that all these Mazda athletes were on a steroid program for all these years?

THE WITNESS: If he asked me in Seoul after Ben tested positive twice, of course.

20 THE COMMISSIONER: Why didn't you say that when you had many opportunities before? You have given a lot of public statements.

MR. SOOKRAM: If it pleases you, Mr. Commissioner, I'm coming to that part of it just now.

25 THE COMMISSIONER: It would have saved a





lot of time.

THE WITNESS: Well, we tried to speak and nobody would listen to us.

THE COMMISSIONER: We'll just find out. I  
5 don't follow that. You have made many, many public statements, and it's the first time that you have testified as to what transpired over the years.

THE WITNESS: Mr. Dubin, you're assuming that the statements printed in the press were made by me,  
10 and I think that's an assumption that you shouldn't make.

THE COMMISSIONER: Mr. Armstrong told you-- here you are on national television on a very prestigious program--

THE WITNESS: That's a matter of opinion.

15 THE COMMISSIONER: You are a doctor--

THE WITNESS: I was under secrecy to my patient. There was a patient-doctor relationship and I wasn't under oath, and it was in response to an article that was supposed to have come out the day after.

20 THE COMMISSIONER: No, I was talking about the transcript, the testimony you gave. Here's Ben Johnson's doctor on national television at a time when most Canadians didn't want to believe that Mr. Johnson had ever taken steroids, and put forth as a doctor whom the  
25 public would be expected to be credible when asked in



interviews and you denied it. So I don't know why you think you would tell anybody else before that. You are under oath now. I understand the difference.

5 THE WITNESS: Mr. Commissioner, are you equating Dr. Stanish with Barbara Frum?

THE COMMISSIONER: No, I don't understand. You could have told Dr. Stanish.

10 THE WITNESS: He didn't ask me. All he told me is that he thought Ben was lying and that was the end of his conversation. He went back in the room.

THE COMMISSIONER: So all that had to be done was somebody to ask you? Lots of people asked you. You say you have been misquoted so many times, but--

15 THE WITNESS: I didn't just say I was misquoted. I said a lot of interviews written supposedly involving me had nothing to do with me. Half of them I don't even know who the people are.

20 THE COMMISSIONER: But you're now saying that if anybody had asked you, Mr. Pound had asked you, Ms. Letheren had asked you?

THE WITNESS: Yes, and if you go back to Mr. Pound's statement, he said he didn't ask because he didn't want to know.

25 THE COMMISSIONER: Well at that time because he was presenting his appeal. I heard what he



said and I have my own views of that, but I'm just puzzled by the statement that for the first time that I am aware of, and you're now under oath, but that's the first time that you said anything about anybody getting steroids, Mr. Johnson included. Am I wrong in that? Isn't this the first time?

THE WITNESS: To the public, yes.

THE COMMISSIONER: Well, under oath of course. It's different.

THE WITNESS: I don't think it's the public's business, not unless the patient gave me permission to tell their personal business. There is a doctor-patient confidentiality too.

THE COMMISSIONER: When you went on the journal, had you cleared matter with Mr. Johnson?

THE WITNESS: Yes, and the premise of going on The Journal was Mrs. Frum phoned Charlie and Russell and myself--

THE COMMISSIONER: You were being asked on The Journal about your relationship to your patient and did you then--did you discuss it with Mr. Johnson before you went on The Journal?

THE WITNESS: Yes, he knew we were going on and what it was about. The premise that they got was that they wanted to discuss an article coming out the next day



in the Sports Illustrated, and they gave us a verbal  
guarantee that they would not ask anything about what had  
happened, just about this article, and she didn't keep her  
word obviously and I wasn't going to tell anybody's  
5 business.

THE COMMISSIONER: I don't want to get into  
another debate with you and somebody else, but go ahead,  
Mr. Sookram.

10 MR. SOOKRAM:

Q. Arising just out of that point, Dr.  
Astaphan, after the party comprising of Ms. Letheren,  
among other people, had left the Hilton with the medal,  
was Mr. Francis there with Mr. Heidebrecht and yourself?

15 A. Yes.

Q. And Mr. Johnson?

A. Yes.

Q. In Mr. Johnson's room?

A. Yes.

20 Q. Was there a discussion after the  
officials left?

A. Yes, there was.

Q. What was the discussion about?

A. The discussion involved all things that  
25 you mentioned, including myself, and it was that the





ultimate thing at that point in time was to cover up and protect Ben.

Q. Did Mr. Johnson participate in the discussion?

5 A. He did.

Q. Who initiated the discussion, if you can remember?

A. Charlie initiated it because I think he was a little bit worried for Ben's safety.

10 Q. And what part did Mr. Heidebrecht play in the discussion?

A. Well, he was also worried about the safety from the press because by that time the news had broken and the whole lobby and second floor of the hotel was filled with reporters, particularly NBC cameras.

15 Q. And what part did Mr. Johnson play in the discussion?

A. You know, he acknowledged understanding what had happened, what was happening downstairs. As a matter of fact, they had a camera crew set up right outside of his hotel room door. We had to call the hotel security to get them off the floor.

20 Q. What did Mr. Johnson say about this discussion? Did he take any part in it?

25 A. Yes, he said he thought that it would



be the correct thing for us to cover up and literally get out of the hotel as safely as possible and as quickly as possible, and this was facilitated by two RCMP officers, Officer Wilson and I think Officer Tremblay.

5                   Q.    Was Officer Wilson in the room when this discussion was taking place?

A.    No, he was in my room phoning.

10                  Q.    It was just the four of you, and the decision at that time was that you were going to protect Mr. Johnson and get him out of the country?

A.    Yes, and protect him and cover up for him.

Q.    Cover up?

A.    Yes.

15                  Q.    What do you mean?

20

25



Q. Would not admit that he was on steroids?

A. Exactly.

Q. Was there any discussion as to when if at all the matter would be made public?

A. We were supposed to go over it when we came back to Toronto, but by the time we got back here, after a couple of days, most of us involved had been given directions by our attorneys not to keep in touch with each other.

Q. I see. Did Mr. Johnson at any time during that discussion indicate that he wanted or he agreed with this decision to cover up?

A. Yes, he did.

Q. Specifically, how did he indicate that?

A. He said -- at that conversation he said, yes, that he would he would say no, he would deny ever taking steroids. And that we would deny it, cover it up for him.

Q. Yes.

A. And then on the way back in the plane when I came back with him from Seoul to New York, we discussed it and he said, yes, he would, you know, deny it until things settled down, but that he was quite afraid to admit it publicly, and actually quoted then from the



Q. -- that you were to keep it dark until.  
Was there a special date mentioned after how long would it  
come out?

A. No, there was no specific date. We  
5 were going to meet when we got back to Toronto.

Q. And thrash it out then?

A. Yes, but, unfortunately we had to meet  
sneaking into hotels and sneaking over people's fences  
because of the press and the attorneys who got involved.  
10 And then one group went their way, the other group went  
there way, then Angella started to talk.

Q. Is it your evidence, sir, that at some  
future time you would have come out and made public,  
together with Mr. Johnson and Mr. Francis, the whole  
15 episode about the earlier drug taking?

A. Yes. My understanding at that time was  
that a group of five: Ben, Charlie, Angella, myself, and  
I think it was going to be Mark, because nobody was too  
certain what Desai was about or what he was about to do.

20 Q. Yes?

A. Would make a public statement, whether  
in the press or what.

Q. But you never got around to it because  
of the circumstances that developed?

25 A. Exactly, yes.





Q. Now, you told me about a conversation that you had with Mr. Francis when he returned from the second testing. And that conversation, you told me, took place on the Tuesday morning at the Seoul Hilton?

5 A. Yes.

Q. Would you tell Mr. Commissioner what Mr. Francis said to you then after the second test?

A. Yes. He came in and he looked real disturbed. And I said Charlie, he said, "Yup, we lost."  
10 I said "Didn't they do anything?" He said "Yes, they tried." I said "What do you mean, they couldn't have tried hard enough." He said, "Yes, Mr. Pound tried and he spoke to Mr. Samaranch who said that he would have intervened with the results had the results not been  
15 leaked from the lab."

THE COMMISSIONER: Who said this, Mr. Francis?

THE WITNESS: Mr. Francis said he was told this by Mr. Pound.

20 THE COMMISSIONER: That they would have what?

THE WITNESS: They would have -- Mr. Samaranch would have intervened with the results had it not leaked prematurely from the lab.

25 THE COMMISSIONER: Mr. Francis said this



or this was somebody else?

THE WITNESS: No, Mr. Francis -- Mr. Pound told this to Mr. Francis.

THE COMMISSIONER: That's what Mr. Francis told you?

THE WITNESS: Yes, sir.

MR. SOOKRAM:

Q. But you have no way of knowing whether what he told you was right or wrong, correct or incorrect?

A. No, no, because they never let me up for the meeting.

Q. Now, you were about to leave. You have just had this meeting, you decided to keep it quiet until some later date. What was Mr. Johnson's reaction after that?

THE COMMISSIONER: Where are we?

MR. SOOKRAM: We are back at Mr. Johnson's hotel after they have decided to keep the matters quiet.

THE COMMISSIONER: Still in Seoul?

MR. SOOKRAM: Yes.

THE COMMISSIONER: Still in Korea?

MR. SOOKRAM: Yes.

THE WITNESS: He told his sister and mother to start packing his clothes, let's get out. We



had -- arrangements had been underway for us to leave via the basement and to go and stay with the airport security until our plane left.

Q. Yes.

5 A. And as his sister was packing, she started packing his Olympic track suit and the clothes that he won the race in. And he told her take them out and throw them away, I will never run again, and I will never run again for Canada.

10 Q. You remember him saying that?

A. Very well.

Q. Did the sister take the track suit out and throw it away?

A. She threw it on the ground.

15 Q. On the floor?

A. Yes, on the floor.

Q. Did Mr. Johnson say anything more?

A. No.

Q. Did you say anything more?

20 A. I certainly did.

Q. Tell us what you said?

A. I said "Ben, I don't agree with you, I think you are going to run again, and you are going to run for Canada once this thing is straightend out."

25 Q. Where is that track suit now?



A. It is in your office.

Q. You intend to give it back to Mr. Johnson if he runs again?

5 A. Well, I think he will run again and whenever he is ready for it he can come and pick it up. I have his track suit and his sprint suit.

MR. SOOKRAM: Thank you, Dr. Astaphan, I have no further questions.

10 THE COMMISSIONER: Thank you. Ms. Pinheiro, do you have any questions?

MS. PINHEIRO: No, Mr. Commissioner.

THE COMMISSIONER: Mr. Bourque.

15 MR. BOURQUE: Mr. Commissioner, certain counsel have agreed to go before me in light of some of the evidence that came out this morning. And I mention Mr. Porter and Mr. Barber by name. I wonder if I could go tomorrow?

THE COMMISSIONER: Well, Mr. Barber.

MR. BARBER: Mr. Porter is to go next.

20 THE COMMISSIONER: I am calling on you next, Mr. Barber.

MR. BARBER: You would like me to start, sir?

THE COMMISSIONER: Yes.

25 MR. LEVINE: Excuse me, sir, just one short





point before we begin. I am not sure if that last document was marked as an exhibit just before the lunch break.

THE COMMISSIONER: No, it was not. The  
5 Anabolic Reference Guide.

MR. LEVINE: Perhaps you might want to have that marked as an exhibit.

THE COMMISSIONER: Yes. 189.

THE REGISTRAR: Yes, 189, Mr. Commissioner.

10

--- EXHIBIT NO. 189: Anabolic Reference Guide.

THE COMMISSIONER: Mr. Barber.

15

MR. BARBER: I should say, Mr. Commissioner, that having thought that Mr. Porter would be going next --

THE COMMISSIONER: I thought the more appropriate order would be you.

20

MR. BARBER: -- my cross-examination will not be nearly as well organized as hopefully it would have been had I had the night.

THE COMMISSIONER: Well, you are well prepared usually, Mr. Barber. I just think it would be more orderly if we heard from the Sports Medicine Council of Canada first.

25

MR. BARBER: As you wish, sir.



--- EXAMINATION BY MR. BARBER:

Q. Dr. Astaphan, perhaps I can begin, sir, with the evidence you gave regarding anabolic steroids which you say are in use and are not detectable by the IOC labs.

5

You mentioned by name the steroid dihydrotestosterone. Did you mean to suggest that that is a steroid in use that is not detectable by the IOC labs?

A. Some derivatives thereof, yes.

10

Q. Is that steroid not specifically discussed by your colleague, Dr. DePasquale, at page 61 of his textbook in 1984?

A. Yes. I suggest you read his updates.

15

Q. Would you agree with me, sir, that that steroid has been around for a long time. It's well-known, it's hardly news for you to testify as to dihydrotestosterone; is that correct?

A. No. I never said it wasn't around for a long time.

20

Q. And it's tested for?

A. I am saying I said that some derivatives of dihydrotestosterone are not detectable and not tested for.

25

Q. Which derivatives?

A. Some.



Q. Which?

A. Some.

Q. I would like you to name them, sir.

THE COMMISSIONER: Do you know them,

5 Doctor?

THE WITNESS: There is one called Pesomax  
(phon) out of Spain, which supposedly is the one that's  
right now is in use.

10 MR. BARBER:

Q. Is that a trade name, Pesomax?

A. It's the name that it goes around by.

I don't know what the trade name is.

Q. Is it in pill form or injectable?

15 A. I don't know.

Q. Is it water based or oil based?

A. I don't know.

Q. Do you know of any others?

A. Yes.

20 Q. Would you name them, please?

A. No.

Q. Why not?

A. I don't feel like it.

THE COMMISSIONER: Well --

25 THE WITNESS: I have named enough



medications. I am not here to go and create -- Mr. Commissioner, if you don't mind me saying something, when I named all those drugs last Thursday or whenever it was, I received numerous phone calls at an unlisted phone number threatening me. And I am not going to jeopardize my family --

THE COMMISSIONER: I think he has given you names and we can get your own analyst to discuss that, Mr. Barber.

MR. BARBER: Well, Mr. Commissioner, he is suggesting that there is this vast body of steroids that are known only to the black market, that are underground, that are not detectable, that are not testable.

THE COMMISSIONER: He named one. What's the next question?

MR. BARBER: I asked him whether he knew of others. He has said, yes, I do, and I am asking him to name them, sir.

THE COMMISSIONER: Well, he has given a whole list of names yesterday.

MR. BARBER: No, sir, those are the masking agents. I am dealing with the anabolic steroids that he says are in the black market, that are available, that he claims the IOC lab don't or can't test for. And in my submission, it would be of considerable interest --





THE COMMISSIONER: Would you do this, could you provide those names privately to Mr. Sookram and he can let us have it so that --

THE WITNESS: Actually, Mr. Commissioner, I don't think it's my duty here to do the Sports Medicine Council's work by supplying names.

MR. LEVINE: Excuse me, sir, perhaps we might pass on and maybe we could have a conference in your chambers about this at a later time.

THE COMMISSIONER: You might be assisting the Commission if you did that privately and we could get the names and it would be attributed to anybody if you are worried about.

THE WITNESS: That I will do.

THE COMMISSIONER: All right.

MR. BARBER:

Q. Well, let me come to the so-called masking agents then, Dr. Astaphan. Am I correct that they function by renal retention?

A. Some do.

Q. Preventing the excretion as opposed to masking. They don't change the molecular structure? They slow the excretion of the metabolites. Is that how they work?



A. Some.

Q. That's how all of them work, is it not?

A. I said some.

Q. Do any of the nine that you named the  
5 other day change the molecular structure of the  
metabolites of steroids?

A. No, I only named nine.

Q. All right. Would you name the others  
or may I have a similar undertaking that you will provide  
10 the names of the others?

MR. LEVINE: This is a matter that I think  
we should discuss in-camera.

THE COMMISSIONER: All right. I think if  
you would supply the names and we would have the  
15 scientific information, that's what we are looking for  
now.

MR. BARBER: Yes.

THE COMMISSIONER: If there is any merit to  
what is being said; I don't know.

MR. BARBER: Well, that's --

THE COMMISSIONER: You will find out. He's  
given you the names.

MR. BARBER: Mr. Commissioner, that's  
exactly the issue.

THE COMMISSIONER: I know, but you will



have the names and he's given them to us, Mr. Barber.

MR. BARBER: Will I have a further opportunity to cross-examine Dr. Astaphan after I have had opportunity to take advice?

5 THE COMMISSIONER: I suggest he gives you the names and you get your own scientific people to analyze them. He is not going to help us very much in this. His belief is there is some that are undetectable; he may be right, he may be wrong. I think the important  
10 thing is that you have the names. And he is going to supply that to Mr. Levine or to Mr. Sookram.

MR. BARBER: Perhaps I can go to the ones that he gave us, Mr. Commissioner.

15 THE COMMISSIONER: You can go on with your study then.

MR. BARBER: Perhaps I can go on to some of the names that he gave us.

20 THE COMMISSIONER: Once you have already discussed, you can advice, Mr. Barber, what you know about them, Doctor.

MR. BARBER: The point being, Mr. Dubin, that my clients take issue with the claim that these substances can mask.

25 THE COMMISSIONER: Fine, but you are not going to get any place with Dr. Astaphan. He has a



different opinion. Once you have the names, then you will be in a good position to know what your scientific analysis is. What's the sense of debating with Dr. Astaphan? He thinks they are undetectable and they may or may not be.

MR. BARBER: Perhaps I can deal with some of the ones that he did tell us about.

THE COMMISSIONER: That's his opinion and he may be right or he may be wrong. You will be find out.

MR. BARBER:

Q. You mentioned the other other day the drug Factrel. Correct?

A. Uh-huh.

Q. That effects the natural production of testosterone, correct?

A. I never said that. You are saying that, yes.

Q. Do you understand that it effects the natural production of testosterone, that it is used as a diagnostic test, the body's ability to produce testosterone.

A. I know what it's used for.

Q. Am I correct?

A. I know what it's used for.





Q. Well, is it correct --

THE COMMISSIONER: What is it used for, Doctor? There is no sense debating these matters. Just what is it used for?

5 THE WITNESS: Can I tell you how it is used as a masking agent --

THE COMMISSIONER: All right.

THE WITNESS: --because obviously the Sport Medicine Council doesn't understand.

10 THE COMMISSIONER: That's why he is here to find --

THE WITNESS: Fine. I will tell him, but I am not giving any more information on this.

15 THE COMMISSIONER: We will see about that. One thing at a time.

THE WITNESS: Factrel, the way it's done and Doctor -- I think his name is Chain or something, some IOC lab in California made a big statement the day after I said it that you can't mask. They take testosterone up to  
20 7 to 10 days before --

THE COMMISSIONER: Seven to 10 days?

THE WITNESS: Seven to 10 days prior to a meet. And then they go on a regimen of Factrel and human chorionic gonadotrophin hormone, and it reverts the test  
25 back to perfectly normal, regardless of what anybody says.



It has been tried -- it has been tried, and they have passed every test they have done.

MR. BARBER:

5 Q. Sir, is it not correct that what it does is it elevates the testosterone level?

MR. LEVINE: Sir, again we are coming to a position. The Doctor has one opinion, my friend may have another opinion, but he is free to call expert evidence.

10 THE COMMISSIONER: I don't want a debate going on. We have the names, and you have got -- with all respect to Dr. Astaphan, he is not a biochemist or a real expert in the chemistry of steroids. He is giving evidence from his experience with the drug, rather than  
15 any analysis of it.

MR. LEVINE: Exactly.

MR. BARBER: I suppose it's selfevident, Mr. Commissioner, but I am attempting to discount that evidence because in my submission Dr. Astaphan has  
20 presented to this Commission that there are substances which mask, he says, the use of anabolic steroids. And I am attempting to demonstrate that that's not so and that perhaps his depth of knowledge isn't quite as great as he presents.

25 THE COMMISSIONER: He has disagreed with



you, and if he disagrees we are not going to gain anything. I don't want a debate between you and the Doctor. He may not be very knowledgeable in this, they may think he is, I don't know.

5 MR. BARBER: All right.

MR. BARBER:

10 Q. Doctor, are we agreed that both Factrel and Pergonal are in fact related to Probenecid? They are related compounds?

A. Factrel and Pergonal?

Q. Yes?

15 A. Pergonal is a menotrophin obtained from the urine of para and post-menopausal women. How is that related to Probenecid?

Q. Well, it was simply from my notes and perhaps I misunderstood but I thought you told Mr. Armstrong that both Factrel and Pergonal were related to Probenecid?

20 A. I never said any such thing.

Q. Is Factrel related to Probenecid?

A. I don't see why it should, no.

Q. How about the golden boy, Carinamide, is that related to Probenecid?

25 A. No, it is not.



Q. Is it not correct, sir, that Carinamide was in fact a predecessor to Probenecid, that it was patented by exactly the same company that patented Probenecid?

5 A. Yes, they were patented by the same company.

Q. And Carinamide was a predecessor to Probenecid?

10 A. Probenecid is a new medication related to Carinamide.

Q. They are related, pharmacologically related, one developed from the other? Correct?

15 A. Well, if you are a pharmacologist, I am not, but I can tell you that it's not -- it is considered as one of the unrelated medications which is used as a block.

Q. Considered by whom as unrelated?

A. By the experts in the field, not the experts in the lab, the ones in the field using it.

20 THE COMMISSIONER: Do you know the compound of it?

THE WITNESS: No, sir, I don't know the compound of it at all.

25





MR. BARBER:

Q. How about the -- you named four drugs. Benzbromane was one of them?

A. Uh-huh.

5 Q. Is that the generic name for a number of the others that you mentioned?

A. Quite a few of them, yes.

Q. They are all the same, Uricovac, Urinorm, Desuric --

10 A. Azubromaron.

Q. -- Azubromaron. They are simply trade names with Benzbromane?

A. That's correct.

15 THE COMMISSIONER: Are they all the one drug?

MR. BARBER: They are all exactly the same, just marketed under different names.

THE COMMISSIONER: What is it actually, what is the compound of it, do you know?

20 MR. BARBER: Benzbromane, it's, as I understand it, it is related to Probenecid. It causes renal retention in the same way as Probenecid. It was developed for the same purpose so as to enhance the retention of drugs, initially penicillin --

25 THE COMMISSIONER: Is it detectable? Do



you know, Doctor, whether it is detectable or not? Is it detectable? Probenecid is detectable now, we know that.

THE WITNESS: It is detectable if you give it within so many days.

5 THE COMMISSIONER: I understand, but the lab would pick it up if it is there?

THE WITNESS: There again, sir, if it is there, but if you give it within specific time, they won't pick it up.

10 THE COMMISSIONER: It will clear, will it?

THE WITNESS: Sure it will.

THE COMMISSIONER: I see.

MR. BARBER:

15 Q. When it clears, though, sir, does it not stop functioning as a renal retention agent?

A. There again that's -- there are two or three schools of thought on that.

20 Q. And I take it not being an expert you are not in a position to give an opinion on that?

A. No.

25 Q. If I can come back to the dihydrotestosterone for a moment. Did I understand that you said that you considered this to be one the undetectable testosterone?



A. I said derivatives thereof.

Q. All right. I am just curious as to why you did never use any of them?

A. I didn't have to.

5 Q. Your explanation, Dr. Astaphan, as to why you got involved with the athletes in 1983, as I understood it, was that you were presented with a situation where they were self-medicating, they were taking drugs which they had obtained from various sources,  
10 primarily black market sources, the quality of the drug was unreliable, and that you felt you should get involved in order to provide some proper medical management of their drug use.

15 Was that a fair summary of your thinking at the time?

A. No, that's not what I said initially. I said Charlie brought Angella to see me because she was on a program as set out by Dr. Kerr.

Q. Right. But --

20 A. If you remember, I said at that time I said I didn't know anything about steroids. I had to read and find out for myself for a little while.

Q. Well, I will come back to that a minute, but I just want to be sure that I understand your  
25 initial thinking as to why it was that you, a licenced



physician in Ontario, would agree to get involved in this.

First of all, you knew it was contrary to the rules of sport, did you not?

A. I was practicing medicine, not sport.

5 Q. But even the 19 -- is it the first College position paper that was filed --

THE COMMISSIONER: '83.

MR. BARBER:

10 Q. -- with the Commission you were familiar with that, surely? That would have been one of the first things you went to, I take it?

A. Uh-huh.

15 Q. To determine the College's position on this?

A. Yes.

20 Q. Yes. And the very first statement in this Issue Number 6, Anabolic steroids are frequently used by athletes despite the bans of various sports organizations.

So, one of the first things you learned was that these drugs are banned by sports organizations, correct?

25 A. The College didn't say that the College banned them. That's the College Bulletin.





Q. Correct. But one of the first things you became aware of was these drugs are banned by various sports organizations, correct? You knew that?

A. Well, yes, sure I knew that.

5 Q. So, I am trying to understand, sir, or to ensure that I have correctly understood your reasoning for getting involved in the management of these drug programs. Did I state it correctly?

10 MR. LEVINE: Well, sir, with respect the Doctor has already testified that his reasoning behind it and that he felt that if these athletes --

15 THE COMMISSIONER: I think Mr. Barber wants to pursue it. I think, my recollection is although the Doctor explained his initial introduction to the subject, that he did indicate later what Mr. Barber suggested. That's why he carried on, I think, because he felt that, as I understand his evidence, that these people were on the program on their own.

20 I am not saying he is right, but on a program of their own and they were going to did it anyway and it would be better if they did it under some monitoring of the doctor. That's what you are putting?

MR. BARBER: It was a little more elaborate than that, but essentially, yes.

25 THE COMMISSIONER: I am not as elaborate as



you are, Mr. Barber.

MR. BARBER: Essentially that's the core of it, Mr. Commissioner.

5 THE COMMISSIONER: Well, you can put it your own way. I think he can pursue that, Mr. Levine.

MR. LEVINE: Thanks.

THE COMMISSIONER: You might want to repeat it because it is a long time ago.

10 MR. BARBER: Do you want me to repeat it, Dr. Astaphan, or did you understand it?

THE WITNESS: Yes, please. No, I didn't understand.

15 THE COMMISSIONER: Well, after -- he asked you that after agreeing to discuss the matter with Miss Issajenko, we know how that developed. You then --

THE WITNESS: Right.

THE COMMISSIONER: You then became quite involved with many of the other athletes.

THE WITNESS: Yes.

20 THE COMMISSIONER: And I think he was asking you for your rationalization of that, of why you were doing it. Is that the -- that's even less elaborate than my last question.

25



MR. BARBER:

Q. Dr. Astaphan, why did you agree to provide medical management for the drug use by these athletes knowing that it was -- that it was against the rules of the sport in which they were competing? Why did you agree to do that?

A. Because (a) as stated by Charlie Francis and the athletes, if I didn't look after them, they were going to go elsewhere. And (b) I thought their health and well-being meant a little bit more than cheating in a sport.

Q. When you say their health and well-being, were they -- the concerns the fact that they were obtaining a multiplicitly of drugs from many sources, black market sources, and there was no assurance as to the quality of the drugs that they were using?

A. No, at that time Angella had obtained hers from a credible source. She got them from Dr. Kerr, that's not black market.

Q. Let's focuss on the initial three. As I understand it, the initial group of three was Miss Issajenko, Mr. Johnson, and Mr. Sharpe --

A. And Tony.

Q. Is that right?

A. That's right.



Q. And from the evidence that has been heard here, Ms. Issajenko was the only one who gone to a physician and obtained prescriptions, the others had obtained them as and when and where they could. Is that your understanding?

A. Yes. I assume so, yes.

Q. Was that a concern to you?

A. It was a concern to me because they were sharing -- they were sharing stuff with each other.

Q. And they were obtaining it on the black market?

A. Well, I can't say that. I didn't know if they were obtaining it on the black market at that time.

Q. You didn't know where they were getting it?

A. No.

Q. And there was no proper medical management or supervision of the drug use, correct? That's why they came to you?

A. They came to me originally for injuries, if you remember correctly.

Q. Ms. Issajenko did, yes.

A. So did Ben and Tony, both for knees. Otherwise Ben was going to have surgery on his knee.





Q. They all came in for injuries, but then fairly quickly got into a discussion of steroids?

A. That's correct.

5 Q. All within a few months, if I understood your evidence?

A. About two months, three months.

Q. Did you ever, sir, try to dissuade them from the use of anabolic steroids?

10 A. Yes. And I just told you two sentences ago what they said. They would go elsewhere.

Q. Did you ever say to them I don't think you should be doing these things?

15 A. No. I asked them if they realized what they were doing. And as far as they were concerned, it wasn't cheating. to quote them, they were playing catch up.

Q. But I am more interested with you, sir, in the medical implications. You said at one point, and I believe it was --

20 A. Excuse me for a second. You are not the College and the licencing body. I don't know -- I don't understand these questions.

THE COMMISSIONER: The Sport Medicine Council, I think, is interested in the role of doctors, generally, not just you. We are just trying to --

25



THE WITNESS: Yes, sir, but the Sport Medicine Council has nothing to do with me as a physician licenced in Ontario. I am not a member of the Sports Medicine Council.

5 THE COMMISSIONER: No, no, I --

THE WITNESS: I think my medical practice should be restricted to Mr. Porter and his questions, not to Mr. Barber.

10 THE COMMISSIONER: No, he is interested I think, generally, in the role of doctors and the distribution of drugs. So am I.

15 THE WITNESS: Well, but I will tell it you to privately, but I really don't see any concern of the Sport Medicine Council with my practice and my behaviour. It's none of their business or concern. I am licenced with the College of Ontario. I am not even a member of the Sports Medicine Council of Canada.

20 THE COMMISSIONER: No, but we are interested here in many aspects of this matter, because I think I said earlier if athletes take drugs even at the risk of their health, it may not just be their own responsibility, it shouldn't be. So, it could be doctors, trainers, coaches, Sport Medicine Council, or the CTFA?

25 THE WITNESS: I agree with you completely, Mr. Commissioner.



THE COMMISSIONER: That's what we are looking at now.

THE WITNESS: But the Sports Medicine Council should restrict their questions to the people  
5 involved directly or under their jurisdiction. And I am not in either way involved with them.

THE COMMISSIONER: Well, the athletes are, you see --

THE WITNESS: I am not sure the athletes  
10 are. They are interested in the CTFA and with Sports Canada.

THE COMMISSIONER: They are funded by Sports Canada, but just see what questions they are. Go ahead, Mr. Barber. I don't think he is intruding very much,  
15 Doctor, so far.

MR. BARBER: Well, all right.

MR. BARBER:

Q. You dealt initially with a group of  
20 three athletes, Dr. Astaphan; is that right?

A. That's right.

Q. And my question was did you ever say to them you should not be using steroids from the medical point of view, they are dangerous, don't use them?

25 A. No.



Q. Did you say to the Commissioner on the first day of your evidence that in your opinion there are no side effects to anabolic steroids; is that your evidence?

5 A. I never said that. I said anabolic steroids taken in recommended doses have mild and few side effects.

Q. In fairness --

10 THE COMMISSIONER: He said for a short -- limited dosage and short duration, I think is what he said.

THE WITNESS: Yes, sir.

MR. BARBER:

15 Q. In fairness, you said that sometime later, but your initial statement, according to my notes, was that there were no side effects. If you said that, you agree that that was incorrect?

A. I don't think I said that.

20 Q. If you said that, you agree that it is incorrect?

A. I don't think I said that.

Q. If you said it, if, and the transcript can be --

25 THE COMMISSIONER: He doesn't agree with





that now.

MR. BARBER:

Q. You don't agree with that statement?

5

A. No, I just said my previous statement negated that, didn't it?

Q. So, you acknowledged there are in fact side effects with the use of anabolic steroids?

10

A. One of major cause of uncomplicated deaths in North America is aspirin, isn't it?

Q. That wasn't the question, Dr. Astaphan.

Do you agree they are side effects to the use of anabolic steroids?

15

A. Yes, I said they are side effects and used appropriately and judiciously and mild and few.

Q. In fact, through the course of your evidence, you have testified from time to time that you preferred one steroid over another because it was -- there were fewer side effects?

20

A. That's right.

Q. All right. So it is not --

A. Fewer reported side effects.

Q. It's a matter of choosing the lesser evil in some cases?

25

A. That's right. And that's part of what



I was doing being a doctor supervising them.

Q. Given that, sir, did you never say to any of these athletes, don't use steroids, there are bad side effects that may happen?

5 A. No, I never told them don't use steroids. I advised them on the effects and side effects of steroids, and they insisted they were going to use them anyway.

10 Q. And, in fact, the initial three presented that they were already using steroids, correct?

A. Yes. One from 1989 -- and two -- from 1979 and two from 1981.

15 Q. But over the course of the next two or three years, is it not correct that you were instrumental in introducing a further 10 or 11 athletes to the use of steroids who had never used steroids before?

A. No, I don't know where you get your information from.

20 Q. Mr. Armstrong read to you a list of athletes who came to you and received prescriptions for steroids?

A. Mr. Armstrong never said I introduced them to steroids. You are reading that into what you want to.

25 Q. Well, let me ask you then. Other than



the three we have talked about so far, had any of the other 11, to your knowledge, used steroid before they came to you?

A. Sure, quite a few of them did.

5 Q. All of them?

A. Not all of them.

Q. How many had and how many hadn't?

A. I don't remember the names. I don't even the names that Mr. Armstrong read off.

10 Q. You agree with me that several of them were introduced to steroids by you?

A. What do you consider several?

Q. Pick a number, three?

15 A. No, you pick a number, you are throwing the --

THE COMMISSIONER: Come on now, please, let's get orderly.

20 THE WITNESS: Some were introduced to me by steroids because they were going to go on the program, and most of the others were on steroids already or had taken them already.

MR. BARBER:

25 Q. So, it wasn't not only did you not discourage them, but you actually introduced some of these



athletes to steroids?

THE COMMISSIONER: I think I have covered that, Mr. Barber.

MR. LEVINE: Yes.

5 THE COMMISSIONER: He has agreed.

MR. BARBER:

Q. Early on in your examination, as I recall, Dr. Astaphan, Mr. Armstrong showed you Exhibit  
10 117A, and asked you if you could identify it. That's the vial of the milky white substance.

And my recollection is that you held it up and you looked at it and you said that simply by looking at it you wouldn't be able to identify it. Is that fair?

15 A. Yes, that's right.

Q. Now, in June of 1985, you received a telephone call from someone who lives in Montreal. Is that right?

A. Yes.

20 THE COMMISSIONER: I think, Mr. Barber, this is beyond your narrow interest. Mr. Armstrong has covered this very fully. And I don't see -- I think -- I don't want every counsel covering ground that's already been covered.

25 MR. BARBER: Well, in fairness, Mr.





Commissioner, I really was coming to a different point.

THE COMMISSIONER: All right. Well, let's just -- I don't want to just cover the grounds. We have heard that evidence and Mr. Armstrong has tested that very carefully.

MR. BARBER: Let me instead of starting from so far back, let me try to come to the point a little more directly.

10

MR. BARBER:

Q. Dr. Astaphan, you have testified time and time again that the 48 vials that you bought in 1985 were Furazabol, right?

A. Yes.

15

Q. And you have told us that because that's what the East German athlete told you. He told you it was Furazabol, so it must be Furazabol?

20

A. No, I didn't say he didn't just say he told me. I said he had the sticky labels in his hand, and the bottles still had on sticky paste.

THE COMMISSIONER: But they were removed before you had the bottles, though?

THE WITNESS: Yes, he said he had taken them off in the car on the way to the office.

25

THE COMMISSIONER: What you got was bottles



which were unlabeled?

MR. BARBER:

Q. Correct?

5 A. Well, so to speak, yes.

Q. It's an unlabeled bottle, correct?

A. Yes. That's one way of looking at it.

Q. It's the only way of looking at it,  
that's your evidence, it is a unlabeled bottle.

10 MR. LEVINE: Well, to be fair, I think he  
said he saw the labels, they just weren't attached to the  
bottles at the time.

THE COMMISSIONER: Well, the bottles he got  
were unlabeled, Mr. Levine.

15

MR. BARBER:

Q. And further, Dr. Astaphan, I, from your  
evidence understood, that you knew it was Furazabol  
because you saw the effect it had on the athletes. That's  
20 how you knew?

THE COMMISSIONER: No, that's not what he  
said. He said it was very effective with the athletes.  
They had been told by the East German, that's what they  
were taking in East Germany and the East German athletes  
25 were successful, I think is what he said.



MR. BARBER:

Q. In effect, Dr. Astaphan, was that not a bottle, an unlabeled bottle of an unknown substance?

A. No, I don't think so.

5

THE COMMISSIONER: Well --

MR. BARBER:

Q. You took the word of an East German athletes that that's what it was?

10

A. Yes.

Q. And that's all you had was --

A. Plus the sticky labels and the sticky bottles.

Q. Did he give you a label?

15

A. No, he threw all the labels in the garbage.

Q. Sure. You never did see a label, did you?

20

A. Sure, I did see a label. What are you trying to tell me, that I am lying under oath?

Mr. Commissioner, I think I --

25

THE COMMISSIONER: I don't know why you cover -- this is ground before. We know the evidence he has given that this man came with him and said these are the labels but he has already removed them. And I guess



he removed them before he brought them in to your office?

THE WITNESS: Well, he said he removed them on the way to the office.

THE COMMISSIONER: On the way to the office.

5 THE WITNESS: The bottle was sticky and wet still and so were the labels.

THE COMMISSIONER: The labels were removed for some reason and they were given to him without labels.

10 THE WITNESS: They had pieces of things stuck on them, sir.

MR. BARBER: Mr. Commissioner, really I am going to the medical management of these drugs that the Doctor --

15 THE COMMISSIONER: Well, sit down, Mr. Levine, please.

MR. BARBER: -- provided injections of what to him was an unknown substance, except it had been identified by an East German athlete.

20 THE COMMISSIONER: I understand. You have made that point.

MR. BARBER: All right. Thank you.

MR. BARBER:

25 Q. On a similar vein, Dr. Astaphan, if we can deal for a moment the issue of the human growth





hormone. You gave some evidence that Mr. Johnson provided some money which was to be used to acquire human growth hormone. Is that correct?

A. Uh-huh.

5 Q. \$10,000.00, I believe?

A. Yes.

Q. Was this at a time before growth hormone was being synthesized?

A. No, this was last year.

10 Q. I am sorry, were you attempting to buy human growth hormone or --

THE COMMISSIONER: Synthetic --

Q. -- or synthetic?

A. Synthetic.

15 Q. I thought you said that the growth hormone was very rare and it was only available through certain specified and controlled hospitals?

20

25



A. Yes, it is.

Q. And only available through certain hospitals?

A. To my knowledge, yes.

5 Q. It's used for the treatment of dwarfism in children?

A. Yes.

Q. And the supply is limited; is that correct?

10 A. I didn't say it was limited, I said it's scarce on the market because of the limitations of people who sold it.

Q. And where was it that you intended to obtain this growth hormone?

15 A. In Toronto.

Q. The evidence, as I recollect, was that Mr. Brisbois was to--

A. He was supposed to get ten bottles for me.

20 Q. Act as a go-between and obtain the supply from somebody at one of the gyms; is that right?

A. Or wherever he could get it from, yes.

Q. Is it not clear that what he would be doing would be going to the black market to obtain this  
25 substance?



A. Not necessarily.

Q. Well, he didn't have access to a drug manufacturer, did he?

A. He might.

5 Q. You don't know that.

A. No, but neither did you.

Q. He was the black market, was he not?

A. He was part of it.

10 Q. You were going to the black market to obtain these substances?

A. He was part of it.

THE COMMISSIONER: Well, a doctor would have a better chance of getting human growth hormone through the normal channels than a stranger. Being a  
15 stranger, Mr. Brisbois had better access to--I thought the normal channels, the legal ones?

THE WITNESS: No, a doctor and only specific hospitals can obtain that because--

20 THE COMMISSIONER: I understand that, but they have a better chance of getting it than somebody in the black market?

THE WITNESS: No, they don't, sir.

25 THE COMMISSIONER: Brisbois had a better--obviously he wasn't going through the normal channels then.



THE WITNESS: I don't know what channels he was going through. Definitely not the regular channels.

THE COMMISSIONER: No. I said normal, you're talking regular. That's probably a better word.

5 THE WITNESS: They have far more access than any doctor in Toronto.

MR. BARBER:

10 Q. But you agree with me you're going to the black market to get this material?

THE COMMISSIONER: Well, you know it's not the regular channel.

THE WITNESS: That's right.

15 MR. BARBER:

Q. And one of the original reasons you got involved with these athletes was because they were going to the black market to get their drugs and that was a cause of concern to you, correct?

20 A. That's what you said.

Q. And you agreed with me, sir.

A. No, I told you later on.

Q. That was a cause of concern to you, was it not?

25 A. Yes, later on it was.





Q. And was another cause of concern to you that they were self-medicating?

A. No, one of the causes of concern was that they were giving themselves varying mixtures without  
5 any rationale behind it.

Q. Did you testify that, in fact, the very act of injection was a cause of concern because it was causing bruises, hematoma, and in one case abscess?

A. Yes.

10 Q. And that was a concern to you?

A. That's right.

Q. The evidence of a Mr. Dajia, Dr. Astaphan, however was that you gave him a supply of steroids and needles so that he could go back to Texas and provide himself with injections. Did you do that?  
15

A. And needles?

Q. Yes.

A. No, I have given people needles, but I don't remember giving Pete any needles.

20 Q. Whether or not you gave him the actual needle, you gave him a supply of drug, knowing that he would go back to Texas and inject himself; is that correct?

A. Yes.

25 Q. When you left Canada in 1986, you left



behind a supply of drugs, knowing that Mr. Francis and the athletes would inject themselves; is that correct?

A. Yes, which they had been doing for seven years previously.

5 Q. But that in and of itself was one of your concerns and one of the reasons you got involved with the drug program; was it not?

A. Yes, but then my eyes opened up.

Q. Opened up to what, sir?

10 A. To the fact that they were all doing it and doing it to themselves and somebody had to help them and supervise them.

Q. Exactly.

15 A. If you go back in evidence, you will see that when I was leaving, I asked them if they wanted me to refer them to a doctor if they were going to go and seek out their own doctors and Angella was the only one who said she wanted to be referred. The rest of them said they would find doctors.

20 Q. And you knew that that meant that most likely they would give themselves injections of the steroid, correct?

A. No, I didn't know that. How would I know that?

25 Q. Well, did you know of many doctors that



would participate in a steroid program?

A. Plenty.

Q. Perhaps I can have a similar undertaking, Mr. Commissioner, that those names be provided to the Commission if Dr. Astaphan claims he knows so many.

THE COMMISSIONER: Well, the Commission's got that matter under close investigation.

10 MR. BARBER:

Q. Thank you, sir. With respect to the prescription to moduret, Dr. Astaphan, that you provided to some of the athletes in August of 1988, as a diuretic as part of a steroid program, its purpose is to prevent fluid retention which otherwise happens with the use of steroids, correct?

A. Yes, I said that in my evidence.

Q. I'm sorry. I thought you said you gave it to them because they were overweight when they got back from Europe.

A. I said they were retaining fluid.

Q. They were retaining fluid because they were on a steroid program, correct?

A. They weren't on steroids in Europe.

25 Q. But when you gave them the prescription



here in Toronto, they were on a steroid program?

A. Yes.

Q. And the purpose of the diuretic is to prevent the fluid retention that otherwise happens with steroids?

A. That's right.

Q. And did I understand you to say that moduret is not a banned substance under the IOC list?

A. No, I said I didn't know.

Q. All right, thank you, because it is banned, sir.

A. Everything's banned if you pick it up.

Q. The Commission has received extensive evidence from three drug suppliers as to the steroids that you purchased, sir, and I'm really not in a position to go into that at this point, but in addition to what you purchased from Sterling, Stickley and Taro\*, we also now have evidence of the 48 vials that you purchased in the summer of 1985 from the East German, correct?

A. M'hmm.

Q. And did I understand you to say that the Dianabol that you had and specifically the Dianabol that you gave to Mr. Bethune, you had purchased from Rugby Drugs in New York?

A. No, I didn't say I purchased it from





Rugby Drugs. I said the bottle was marked. I don't know who manufactured it. It was marked Rugby Drugs.

Q. Marked Rugby Drugs.

A. Rugby Drugs New York. I think  
5 Rockville something New York.

Q. So simply at this point, that's in addition to the supplies that you got from Sterling, Stickley and Taro, correct?

A. M'hmm.

10 Q. And again, this may be a minor point, but this morning did you say that you could obtain Winstrol, human Winstrol, if I can call it that, for \$8 but that the veterinary Winstrol cost you \$17?

A. I said I think that's what it cost in  
15 1985, 17 or \$18.

Q. And that the substances are exactly the same?

A. To my knowledge, yes.

20 Q. Why would you not simply obtain the less expensive Winstrol to give to Mr. Hyatt? Why would you buy the more expensive one?

A. Because he wanted Winstrol V.

Q. He wouldn't know the difference, would he?

25 A. Well, I would hope so. His fiance was



a vet.

Q. She would have had a license to obtain it herself, would she not?

5 A. Living in St. Kitts, where is she going to get it in St. Kitts?

THE COMMISSIONER: Who was the vet?

THE WITNESS: His fiance.

THE COMMISSIONER: Is she at work at the veterinary college?

10 THE WITNESS: No, I think she moved back to Canada. She had something to do with the vet college down there.

MR. BARBER:

15 Q. Doctor, you testified that--

THE COMMISSIONER: Excuse me, we are going to take a very short break. We're going to sit a little later this afternoon. We will take about five minutes.

20 ---short adjournment.

---Hearing resumed.

THE COMMISSIONER: Go ahead, Mr. Barber.

25 MR. BARBER:



Q. Dr. Astaphan, I think it's clear from--

THE COMMISSIONER: I'm not sure whether we've identified the golden boy, you called it the golden boy. Did you give a name to it?

5 MR. BARBER: Carinamide.

THE COMMISSIONER: I'm sorry. I think you asked the doctor about that. What was the answer?

MR. BARBER: The doctor ultimately said he wasn't sure I believe. It is my information that it is a predecessor to probenecid. It was invented, patented and marketed by the same chemical company who subsequently developed probenecid. It was developed for the purpose of assisting in the retention of penicillin because of the expense of penicillin and the tendency of the body to excrete it, and the company's name was Mark Sharpe and Dome.

10

15

THE COMMISSIONER: And you say it is detectable by the analysis now? Is that what you're saying?

20 MR. BARBER: It is a compound related to probenecid so it is also clearly banned.

THE COMMISSIONER: Well, the doctor's point, he says it's not detectable by present testing.

MR. BARBER: I think Dr. Dugal will have evidence to give.

25



THE COMMISSIONER: That is a better source.

MR. BARBER:

5 Q. On that point. Dr. Astaphan, I think  
it's clear perhaps from our earlier exchange, but just for  
the record, you are not, sir, nor have you ever been a  
member of the Canadian Academy of Sport Medicine, correct?

10 A. No, I applied to it I think about three  
years ago and sent a cheque and they sent me a little  
slip, and subsequent to that when I left here, I never got  
any form of correspondence from them which was rather  
unfortunate because I already had a lot of letterheads  
printed up with the name on it.

15 Q. And you never attended any of their  
conferences?

A. Not to my knowledge, no.

Q. In 1983, sir, when you wished to learn  
about steroids, you said that prior to that, you didn't  
really know much about anabolic steroids; is that correct?

20 A. That's right.

Q. And you wished to learn about steroids,  
and in your evidence, I believe to Mr. Sookram, you listed  
some of the articles that you had read, and I believe an  
undertaking has been given that those articles or the  
25 names of those articles are to be filed with the





Commission, and I must say my note, sir, is not complete, but I have it that you read a document from the Winthrop lab describing their anabolic steroid. Would that be Dianabol?

5 A. No.

Q. Which steroid did Winthrop--

A. Winstrol.

Q. Winstrol?

A. Yes.

10 Q. And that you read some articles, and I'm not sure how many, from the annals of New York Medicine? Did I get that correct?

A. Yes.

15 Q. And you read one article from the American Journal of Sport Medicine, but that wasn't until 1984, so that wasn't part of your initial research, was it?

A. No.

20 Q. So do I have it, sir, that you read perhaps three or four articles about steroids in 1983?

A. No.

Q. How many did you read?

A. I don't know. A lot more than that. I don't know.

25 Q. Ten?



A. I don't know. Quite a bit more than three.

Q. Well, the reason I'm curious, sir, is that by coincidence, one of the doctors with the Sport  
5 Medicine Council did a med-line search on anabolic  
steroids in October of 1983 and came up with 349 articles  
on anabolic steroids and another in excess of 300 articles  
on androgen, and would you agree with me, sir, that you  
didn't do anything like that kind of research, did you?

10 A. 300 articles?

Q. Right.

A. No.

Q. Do you have any of the so-called  
masking agents that you have described, Dr. Astaphan?

15 A. Do I?

Q. Yes.

A. Not with me.

Q. Do you have access to them?

A. Probably.

20 Q. Would you undertake to obtain them and  
provide them--

THE COMMISSIONER: Are they in St. Kitts?

MR. SOOKRAM: What are you getting at, sir?

25 THE COMMISSIONER: Well, are you sitting  
over here?



MR. SOOKRAM: Yes, I'll come over there.  
Aren't you and Mr. Levine friends anymore?

MR. SOOKRAM: What is Mr. Barber trying to  
do here?

5 THE COMMISSIONER: Well, I think it's  
important for us to get these drugs so we can examine  
them.

MR. SOOKRAM: We can get them from anybody  
else. We can get them from the drug store. Why should  
10 the doctor be asked to provide it?

THE COMMISSIONER: Well, if he has got  
them, it would be a handy way of getting them.

MR. SOOKRAM: He just said he doesn't have  
any. He is not a circus bear.

15 THE COMMISSIONER: You have the names, Mr.  
Barber. You don't have them with you here, Doctor, I  
gather?

THE WITNESS: Pardon?

THE COMMISSIONER: You don't have these  
20 masking agents here, do you? Do you have them still in  
St. Kitts?

THE WITNESS: No, I don't need them in St.  
Kitts.

THE COMMISSIONER: I thought you said you  
25 had them in St. Kitts.



THE WITNESS: No, I said I can get them.

THE COMMISSIONER: Oh, I see. You don't have any in your possession here or in St. Kitts?

THE WITNESS: No.

5

MR. BARBER:

Q. Dr. Astaphan, you testified that many world-class athletes from many countries had spoken to you about steroids. It wasn't clear, sir, did they come to Toronto and see you as patients at your clinic?

10

A. No.

Q. Were they people that you encountered at the various track and field meets as you traveled around?

15

A. Yes.

Q. And so you had--did you have discussions with them about steroids?

A. Yes, athletes and the coaches.

20

Q. And did you supply steroids to these people?

A. No.

Q. Did they admit to you that they were using steroids?

A. Yes.

25

Q. Did they describe to you the steroids





that they were using?

A. Most of them.

Q. And do I have it correct, sir, that there would have been approximately 30 or 32 world class athletes who admitted to you that they were using  
5 steroids?

A. At least.

Q. At least?

A. Yes.

Q. Mr. Commissioner, I'm going to ask Dr.  
10 Astaphan to provide those names.

THE COMMISSIONER: No, because they are not Canadians. That's not my mandate, Mr. Barber. I'm interested generally in the extent of the use of steroids  
15 outside Canada, as well as in Canada, but the names are of no significance. We are not going to get into that kind of--the names are not--it's very unfair. They are not here, they are not represented.

MR. BARBER: Clearly, Mr. Commissioner,  
20 names have been named in these proceedings.

THE COMMISSIONER: Very seldom. We tried to do everything we could to avoid anybody naming person outside the jurisdiction unless there was specific reason by a discussion with them relating to some matters which  
25 are in Canada.



MR. BARBER: The concern obviously of the Commission is the extent of use and the efforts to--

THE COMMISSIONER: But they are not here, they are not represented and I'm not going to have  
5 everybody called to either admit or deny it. I'm interested in the extent of it, and we will have to assess the credibility of Dr. Astaphan, but we have a great deal of information now that the extent is wide use, but the names of individual athletes outside the jurisdiction is  
10 beyond my mandate.

I'm not inquiring into their use. I'm inquiring into the extent of it. We have been, as you know, very active and discussed this matter with other jurisdictions, not just in Canada. We have been in touch  
15 with other countries as well, as you know that.

MR. BARBER:

Q. Dr. Astaphan, through your counsel you have also filed the current statement by the Ontario  
20 College, the 1988 statement which makes it clear that it is a professional misconduct to be involved in providing steroids for the purpose of performance enhancement. You're aware of that, sir?

A. Yes.

Q. And you've said that you not only are  
25



no longer involved with the provision of steroids, you're not any longer providing medical care to athletes; is that correct?

5                   A.    I said I don't have any interest in seeing athletes anymore.

                  Q.    And would I take it, sir, that having regard to what has transpired and that you now must feel considerable remorse at having been involved in this steroid program since 1983?

10                  MR. LEVINE:   Well, sir, that's sort of unfair to ask the witness.  What's the difference whether he feels remorse or not.  Again looking at the scope--

                  THE COMMISSIONER:   I would have thought you would like your client to answer that type of question.

15                  MR. LEVINE:   He has already given the reasons why he got involved.  I think it's somewhat unfair for my friend to go into the--again through the back door, into the motivation of the doctor and his reasoning.  He has already discussed it.

20                  THE COMMISSIONER:   I think it's a fair question.

                  MR. BARBER:

25                  Q.    Dr. Astaphan?  Do you feel remorse now that you have been involved in this program from 198--



A. What do you mean by remorse?

Q. Do you regret it. Do you feel it was a mistake to get involved, it was a mistake to prescribe steroids for these athletes?

5 A. Hindsight is 20/20.

Q. And you agree it was a mistake, sir?

A. What I'm going to say is that I won't get involved in it again.

Q. Because it was a mistake, correct?

10 A. I said I won't get involved in it again.

Q. So you won't admit or agree that it was a mistake, you just won't do it again because you have been caught, is that your position?

15 A. No, I can do it and not get caught. I just won't get involved in it again.

Q. Thank you. Those are my questions.

THE COMMISSIONER: Mr. Porter? Excuse me for a minute.

20

EXAMINATION BY MR. PORTER:

Q. Thank you, Mr. Commissioner.

MR. SOOKRAM: Sir, you might wonder why I'm sitting over here. I just don't want to infect Mr. Levine, so that one of us will always be on the ball.

25





THE COMMISSIONER: No, I was only making a light comment.

MR. PORTER:

5 Q. Dr. Astaphan, you said this afternoon that Dr. Stanish in Seoul had not asked you any questions about stanozolol and Ben Johnson, correct?

A. Yes.

10 Q. And you also indicated that Dr. Stanish had not asked you any questions about pink pills?

A. No, he didn't.

Q. And that I think you indicated that if he had asked, you would have told him?

15 A. I said if he had asked me on the Tuesday morning after they took the medal, I would have told him, yes.

Q. Oh. So is that because you wished--on that occasion you would have felt free to tell him the truth?

20 A. I don't know about the word feel free, but I felt on that occasion that it was time that everybody got their act together and formed a cohesive body rather than some people pretending it wasn't going on.

25 Q. So then if he had asked immediately



after the medal had been taken away, you would have told him?

A. Yes, sir.

5 Q. Now, wouldn't you agree that you had really made a representation from one doctor to another, to Dr. Stanish, that Ben Johnson had not been on any anabolic steroid?

10 A. You are probably referring to the note that was sent to Dr. Stanish and that was dictated in conjunction with myself and Charlie Francis to take to them and take to the committee. That is what we were required to send in.

15 Q. Why don't I show it to you so that we are fair and we are talking about the same thing. That's Exhibit 174.

A. Yes.

Q. And that was done at 11 o'clock on what morning?

20 A. The Monday I think. The day before the second test.

Q. Dr. Stanish asked you for that report?

A. No, he didn't. Charlie Francis told me that Dr. Stanish wanted a report.

25 Q. But you made that report to Dr. Stanish?



A. Yes. I made it and Charlie took it to him. I never saw Dr. Stanish until later in the night.

Q. So this is one doctor to another asking you for a report. You made them--

5 A. He never asked me, Mr. Porter. Charlie asked me to write it.

Q. But, Dr. Astaphan, to be fair, you were making that report for Dr. Stanish?

10 THE COMMISSIONER: I think it's addressed to him.

THE WITNESS: Yes, it is addressed because Charlie told me to address it to him, that he would go with him to the committee.

15 MR. PORTER:

Q. So then it's addressed to him?

A. Yes.

Q. And it's dated at 11 o'clock, isn't it?

20 A. I don't know what time it was. It says the 26th or something.

THE COMMISSIONER: It says received a certain time I think, as I recall it.

MR. PORTER:

25 Q. And in that, you're setting out that



Ben Johnson received over at least the last three months?

A. Yes.

Q. There's no mention of anabolic  
steroids?

5 A. No, sir.

Q. So then when that report was made, that  
was a lie?

A. Well, it didn't include anabolic  
steroids.

10 Q. Well then to be fair to you, it wasn't  
the truth?

A. Well, sort of, yes.

Q. But you go through in quite a bit of  
detail everything that Ben Johnson received over the last  
15 three months. You refer in the PS to June, don't you?

A. Right.

Q. And you signed it Jamie, correct, and  
Jamie is your nickname?

A. Yes.

20 Q. So you knew Dr. Stanish?

A. No, I didn't.

Q. You didn't know him at all?

A. No, actually Dr. Stanish, the address  
to Dr. Stanish was put in and Charlie told me to address  
25 it to him. He would take it along with him to Dr. Stanish





to go to the committee.

Q. So then--well, now we are having the discussion about it. Surely Dr. Stanish wished to know whether Ben Johnson had been taking anabolic steroids. He must have, wasn't he?

A. Well, I assumed that he wanted to know, but he didn't speak to me.

Q. But there wasn't any question that Dr. Stanish wanted your professional representation as to what Ben Johnson had been receiving in the last three months?

A. Dr. Stanish never requested anything of me or from me. Charlie Francis came and told me they were going to Mr. Pound's building, the hotel Mr. Pound was staying in, and he would like a list of what Ben's on.

THE COMMISSIONER: Wasn't this though to be given to the doping control testing station so they would have that before the B sample I thought?

THE WITNESS: Charlie told me he wanted a list of the things that Ben was taking.

THE COMMISSIONER: That was in the morning, wasn't it, that you gave him that?

THE WITNESS: I don't know what time it was.

THE COMMISSIONER: It says 11 o'clock in the morning. My understanding is it was because they were



going back for the B sample and wanted more detail on what he was taking before the second sample was tested I think is what the evidence says.

THE WITNESS: I really don't know. I  
5 remember Charlie said he needed a list to take along with him, and when I signed it Jamie, he said to address it to Dr. Stanish.

THE COMMISSIONER: But you knew Dr. Stanish was going to review the B sample testing?

10 THE WITNESS: No, I thought Charlie, Ben Mr. Lyons and a Dr. Luba I think was supposed to be there too.

MR. PORTER:

15 Q. But, Dr. Astaphan, isn't it fair to say to you that you were required to make an accurate medical report and you knew that another doctor wanted it?

A. I didn't know Dr. Stanish wanted it, Mr. Porter, as I said, until I finished and Charlie told  
20 me to address it to Dr. Stanish. He would take it over to him.

Q. Well then when you knew Dr. Stanish wanted it, why didn't you add anabolic steroids or Furazabol?

25 A. I was told not to.



Q. Who by?

A. Charlie. He said it won't make any sense. They won't even try to fight the case if you put down that he had taken steroids before.

5 Q. So in essence, this was Francis' decision and not yours?

A. No, it was his suggestion. It would obviously be my decision to agree with him.

Q. And you did?

10 A. Well at that point in time, yes, sir.

Q. When Dr. Stanish says to you after the interview, remember you've told us that Ben Johnson came in and was asked questions by a number of people and Dr. Stanish and you were present together?

15 A. Right.

Q. And then Dr. Stanish took you out of the room and said "Ben's lying". Remember that? He said that to you. Didn't you feel a little guilty that you had lied to him?

20 A. I said, I know but what can I do? That's what I told Ben--told Dr. Stanish.

Q. No, but I think--didn't you feel slightly guilty when you are discussing Ben's lying?

A. Sure.

25 Q. That you really lied to him?



A. Yes, of course I did.

Q. Now, I think the evidence was that Dr. Stanish had testified that he spoke to you on the phone and asked for a report.

5 A. I don't think so, sir. I think Charlie came, Charlie was at the hotel and told me he was going to see Dr. Stanish later in the day and they were going to some meeting that they were going to have in the evening with Mr. Pound or something like that.

10 Q. Well, just so that I can put it in the framework and you can make your comment and I'll go on, I believe that volume 45 on page 7957 to 7599, Dr. Stanish indicated that he had spoken to you on the telephone and requested the report.

15 A. No, the first time I had ever seen or spoken with Dr. Stanish was on the Monday night at the hotel lobby where Dr. Stanish and Mr. Pound and the rest of the Canadian Olympic Association was staying.

Q. All right.

20 A. Because they actually asked Larry Heidebrecht who was the gentleman standing next to the lady and he told me that was Dr. Stanish?

Q. So you're clear then that Dr. Stanish didn't phone you in spite of--

25 A. Not before this, no, sir.





Q. Now you have always been very concerned about black market drugs being used by athletes?

A. Yes.

5 Q. In this time that you received the Furazabol, did it seem strange to you to, out of the blue, get a call from Montreal wishing to meet with you?

A. No, sir, because quite a few of the weightlifters and other Olympic athletes in Montreal were frequent purchasers of the inosine and vitamin B mixtures.

10 Q. And how did the athlete know about your mixture, the mixture that you had?

A. Which one?

Q. The mixture of--

A. No, which athlete?

15 Q. Well, somebody phoned from you Montreal?

A. Yes, an athlete. Oh, he had gotten the vitamin B and inosine mixtures from me.

Q. And so they come down from Montreal?

20 A. Yes, sir.

Q. And there were two of them?

A. One Canadian athlete and an East German one. An ex-athlete, I should say.

25 Q. Doesn't it seem strange to you that he came in with 48 stickers in his hand?



A. No, because they were in the box with the bottles. He had the stickers all in a box.

Q. In one box?

A. Yes.

5 Q. And then did he give you 48 pieces of literature from the Furazabol bottles?

A. No.

Q. He gave you one, did he?

A. One.

10 Q. And so was he--you never kept one of the labels, did you?

A. No, sir, they were stuck--they were all stuck--like half was on half. They were stuck together, but not in proper alignment.

15 Q. Did you throw away the labels that you got?

A. It was a big lump of paper stuck together.

Q. So you threw them away?

20 A. Yes.

Q. Well, didn't that seem a little strange when you keep all the other stuff?

THE COMMISSIONER: Did you throw it away?  
I thought he said that this person kept them. Did he give  
25 them to you?



THE WITNESS: No, he threw them in the  
garbage in the room.

THE COMMISSIONER: He threw them in the  
garbage. He never handed them over to you?

5 THE WITNESS: No, he handed me a little  
piece of literature on it.

MR. PORTER:

10 Q. But then I gather he--this is the  
athlete?

A. The East German, yes.

Q. The East German athlete.

A. He's and ex-athlete.

Q. Had you ever met him before?

15 A. No, sir. I had seen him, but I never  
met him.

Q. So it was he that told you what the  
stuff was?

A. Yes.

20 Q. And he was the one that gave you an  
excerpt from the Italian pharmacetta or however you  
pronounce it?

A. No, he never gave me that.

25



Q. Did you get that separate?

A. Yes, I got that in Italy on one of my trips to Italy either in '87 or '88. He gave me a little insert, which I kept for about two or three months.

5 Q. Do you mean he gave you a little insert from the box, the manufacturers --

A. The insert he said came with the bottles, but he gave it to me.

Q. That's what he said?

10 A. Yes.

Q. Did he take it out of -- so, there are bottles and there are stickers, and there is one insert?

A. Yes, sticky stuff on the box on the bottles.

15 Q. I guess one insert or one excerpt anyway?

A. Yes.

Q. So, obviously, in this trip from Montreal, he -- I guess the other guy must have been driving, because he must have taken all the labels off and he must have put all the boxes on the floor. And he didn't bring in any literature from it?

20

A. Just one insert. They were all in a box, an oversize box. They weren't in a box that medicine usually comes in.

25





THE COMMISSIONER: They weren't in individual boxes?

THE WITNESS: No, sir, they were in a big --

5 THE COMMISSIONER: Because these vials usually come, if they are separate, they come in little boxes, you know?

10 THE WITNESS: Yes, when they bring them through the airport and customs in order to increase the size in the suitcase they usually take them out and repack them in shoes and that stuff port.

MR. PORTER:

15 Q. So, he didn't give you the printout from the Italian pharmacy, you --

A. No.

Q. -- got that later?

20 THE COMMISSIONER: Did they remove the labels before they brought them to Canada, is that what you understand?

THE WITNESS: No, I don't think so, sir. What is usually done is if you get them in a box, it is a huge box, and it takes up a lot of room in the suitcase.

25 THE COMMISSIONER: No, but they come normally in a package like this?



THE WITNESS: They would take them out of those boxes and stick them in shoes and then put socks in, rolled up socks in the shoes. So, you can get two or three bottles in each shoes.

5 THE COMMISSIONER: Why, is it illegal to bring --

THE WITNESS: I don't think so. I think you just get more in a smaller space.

THE COMMISSIONER: In a shoe, though?

10 THE WITNESS: They would put it in shoes and then rap it up in clothing and everything.

THE COMMISSIONER: That would be -- that's to conceal it or to protect it?

15 THE WITNESS: To protect it for one and also they can get many more bottles to fit into a suitcase if they took the box out. The box was bulky size --

THE COMMISSIONER: I see.

MR. PORTER:

20 Q. I take it he didn't have a sock around it?

A. No.

Q. All right. He is there. But you didn't get the printout from the Italian pharmacy book  
25 until about two to three years later. I thought I just



heard you said '87 or '88 when I asked about the reference to the Italian --

A. When I was in Italy, on one of the trips I got it.

5 Q. So, that that might have been in Rome in '87?

A. I am not sure when, because I was discussing it with one of the Italian guys and they had a pharmacopia that had an English and Italian and he --

10 Q. So, this just came up in passing?

A. What's that?

Q. That you were discussing it one of Italian people Furazabol; is that right?

15 A. No. I was discussing a lot of steroids with them. This gentleman is not involved in the steroid trade, but he is extremely knowledgeable in steroids and other performance-enhancing drugs.

20 Q. So, when Mr. Justice Dubin asked you earlier about whether you discussed it outside of the little group, you might have mentioned Furazabol to some other people outside of the group. Because otherwise, I don't understand how he would give you the excerpt?

25 A. Because he has worked and does still works part time in Finland and some of the eastern countries as a consultant. He is a consultant in the



physiology of sports. And he has a knowledge of everything used and being used. And, you know, I -- he asked me questions, I asked him questions. I mentioned drugs, he mentioned drugs and why he tells me.

5 Q. So, you just kind of slipped Furazabol in the conversation in passing?

A. Well, not slip it. I asked him what did he know about it. And he slipped me back Bluterious (Phon).

10 Q. From his pocket or he got it later?

A. No, Bluterious, that's the name of an Italian medication.

15 Q. Now, so that means, just so that I have it right, the labels are in the basket, and correct me if I am wrong, but I seem to remember you saying last week that you didn't really look very closely at the piece of literature that the manufacturer put out. Didn't you say something --

20 A. No, I didn't. I looked at the label and it was marked Furazabol and he gave me the insert. And then I phoned around to find out. I prefer finding out first hand and from people who know clinically in the field what's going on than reading an insert. Inserts don't really tell you the whole thing sometimes, Mr.  
25 Porter.





Q. Yes. But when you talked to Dr. DePasquale, he didn't test it, did he?

A. Didn't test it?

Q. Test the Furazabol?

5 A. No. As a matter of fact, when I spoke to him initially he said he heard of it, a fair bit, but he didn't know very much about it and he would look into it and get back to me.

THE COMMISSIONER: This is Dr. DePasquale?

10 THE WITNESS: Yes.

MR. PORTER:

Q. And this is in '85. And in some of his updates, he mentions Furazabol?

15 A. Well, I just got some of his updates. I haven't read them.

Q. Well, I took the time on the weekend because I knew we were going to have this little discussion. So, on the rare occasions I am one inch  
20 ahead of you. I can tell you that the Furazabol has been mentioned by Mr. DePasquale in two of the updates just on sheets saying what's done and what -- but, just help me with this because you basically relied on this being Furazabol because the East German runner said his team ran  
25 awful fast with it; is that right?



A. Well, he said -- he said his team had been taking it for about four years.

Q. And it worked?

5 A. Well, the results were obvious. They were the number one track and field team in the world.

Q. So, that was -- that's your starting point for judging this stuff, okay. Well, when it comes in --

10 A. You are judging the results before you look into it.

Q. Yes. But you didn't, in all the people you talked to, you never showed them the manufacturers printout or literature that Mr. Justice Dubin has referred to?

15 A. No.

Q. You never kept a label to discuss that with him?

20 A. No, because I just knowing the name of Furazabol would be enough. They would know what to look for.

Q. And you know that your friend, Dr. DePasquale, has quite a bit in his updates anyway about the fear of bogus drugs and photostated labels and stuff like that.

25 A. Yes, but Furazabol wasn't one of the



drugs then that was on any bogus market. They usually know the bogus market drugs.

Q. Now, in any event, you didn't ever have it analyzed?

5 A. No, sir, no.

Q. And I guess you never phoned a representative of the Daiichi company, did you?

A. No, I didn't even know they had a representative here.

10 Q. Well, there is one in New Jersey and I can give you the phone number if you want, but wouldn't it be something that you would think about to somebody -- that they might have an agent over here to check and ask?

15 A. No, because I figured if I phoned DePasquale and the other people who knew about what was going on, they would have -- they would have all this information handy.

20 Q. But Dr. DePasquale didn't know whether it was really Furazabol. He just has the East German athlete's word on it. Not really fair to Dr. DePasquale, is it?

A. No.

Q. No.

THE COMMISSIONER: Don't whisper, Mr.

25 Porter.



MR. PORTER: Well, My Lord, I am always in some position --

THE COMMISSIONER: We all want to hear --

MR. PORTER: -- if I go too loud, you say gently, Mr. Porter.

THE COMMISSIONER: I know.

MR. PORTER: You say, Mr. Porter, don't get your usual histrionics. So, I am trying to do --

THE COMMISSIONER: I only said that once so far.

MR. PORTER: Well, I listen. I listen.

THE COMMISSIONER: Now, you have gone the other extreme.

MR. PORTER: It shows you that I am frightened of you.

THE COMMISSIONER: I know.

MR. PORTER: I am just camouflaging it.

MR. PORTER:

Q. Now, you could have phoned up, couldn't you, isn't it fair to say you could have phoned up the clinical chemistry department of the University of Toronto and said can you test this?

A. I could have, but I never thought of it, and I never even heard of them before to be quite





honest.

Q. But there would have been some place?  
You could have taken a run at having it tested?

A. Actually, I asked one of my friends at  
5 Woodbine if they would test it for me and he had said at  
that point in time they were afraid because they were  
keeping a very close eye out for Viadril being brought in  
to shoot the horses up with. So, he never took it in to  
get it tested.

10 THE COMMISSIONER: Is this for veterinary  
use?

THE WITNESS: Pardon?

THE COMMISSIONER: Is this normally for  
veterinary use?

15 THE WITNESS: No, I imagine the equipment  
they have at Woodbine could probably --

THE COMMISSIONER: You said they were  
worried about shooting horses up with it, though?

20 THE WITNESS: No, with something called  
Viadril, and they were keeping a close eye on who was  
taking any stuff in to be tested, you see.

THE COMMISSIONER: Not for this drug?

25 THE WITNESS: No, for any -- apparently  
some law, the Jockey Association or something that you  
can't -- trainers are not supposed to be seen with



medication, whatever it is. And he was worried.

THE COMMISSIONER: I see. Is Furazabol recommended for horses, do you know?

5 THE WITNESS: No, sir, I was asking him it get it tested, not to test it on the horse.

THE COMMISSIONER: I see.

THE WITNESS: To test it on the equipment.

THE COMMISSIONER: I was just wondering.

10 MR. PORTER:

Q. Now, the man who gave you these drugs, he -- it was him that told you about the dosages, wasn't it?

A. Yes.

15 Q. And how is that better than a person from a gym telling somebody about the dosages?

A. Because I used the dosage schedule after three months when I found out what the dosage was.

20 Q. So, he tells you what dosages are and he tells you what the clearance times are? This is the man from East Germany?

A. Yes, but he told me this in late June or early July, and until I found out more over the next three or four months --

25 Q. Do you mean you talked to him more than



once?

A. No, no, I talked to a lot of people.

Q. But you only met with the East German  
once?

5 A. I met him once and I saw him twice  
after; once in Europe and again in Seoul.

THE COMMISSIONER: Did you buy more from  
him?

THE WITNESS: No, no, no.

10 THE COMMISSIONER: You only had the one  
supply here?

THE WITNESS: Yes.

THE COMMISSIONER: All the way through the  
piece?

15 THE WITNESS: Yes.

THE COMMISSIONER: So, we just have the one  
supply in your office until you leave in '86?

THE WITNESS: Yes.

20 MR. PORTER:

Q. You know, in terms of your reading  
about this Furazabol, I suggest to you that there are  
really precious few medical articles, back in 1985-86, on  
the human use of Furazabol. Would you quarrel with that?

25 A. No, the articles going back as far as



19 -- I think, oh, either the late 50's or early 60's.

Q. On human use of --

A. No.

Q. -- Furazabol?

5 A. No, there are some on human growth,  
most of them are on animal use.

Q. That's right, on animal use?

A. Yes.

10 Q. I am suggesting to you there are  
precious few articles about the human use of Furazabol?

A. That's right.

Q. Is there a reason that you haven't  
named the person that's the supplier of this drug?

A. Yes.

15 MR. LEVINE: Well, sir, I think we have  
been all through that already. I thought you made a  
ruling on that.

20 THE COMMISSIONER: I think this is a little  
different. This is not an athlete who was out of the  
jurisdiction. This was the one supplying it in Canada.  
It's quite different, bringing it in from Europe and  
distributing it in Canada. If there is such a person, if  
this happened.

25 MR. LEVINE: Well, I thought we had gone  
through that before and that you had made a ruling that it





wouldn't be --

THE COMMISSIONER: This is somebody bringing the stuff in Canada, I would think it's very essential to Dr. Astaphan's story that if this happened  
5 who did it, because I am having difficulty following it, frankly, in light of what we know now, in light of Mr. Francis' evidence and Ms. Issajenko's evidence that all the evidence points to the fact that the supply given to Dr. Astaphan went from him to Francis to Issajenko to us.  
10 And it is Stanozolol.

MR. LEVINE: Yes, I appreciate what you are saying, sir. The doctor has indicated he has some difficulty --

THE COMMISSIONER: So, he may have been  
15 misled from this man, that may be one explanation, I don't know, if it happened. So, I would think it would be rather helpful to his veracity on this issue to tell us who the people were.

MR. LEVINE: Well, I understand that. He  
20 has some concerns about that that he may wish to voice.

MR. PORTER: Well, I started my question was if there was a reason. I haven't asked him yet.

THE COMMISSIONER: All right.

25



MR. PORTER:

Q. Is there a reason that you haven't named the supplier of the drug?

A. Yes.

5

Q. And the reason is?

A. He requested since 1985 not to be named, and I am not going to name him.

10

Q. Well, then, is there a reason that you haven't named the Canadian athlete who arranged the appointment with you and the East German athlete?

A. Yes, because I think he's got into enough trouble.

15

Q. Is there a reason that you were reluctant to admit in your evidence with Mr. Armstrong that this athlete was an Eastern Bloc athlete?

A. Is there -- I am sorry, I didn't?

Q. A reason that you were reluctant to admit that the athlete was from an Eastern Bloc country?

20

A. No, I told Mr. Armstrong that's since March that he was from an Eastern Bloc.

25

Q. Well, all right, the record will speak for itself. Now, I will move another -- but you would have to agree with me that if people are to be able to judge your rational in taking this and accepting that it was Furazabol, accepting it was Furazabol, that we would



have to know who you got it from, wouldn't we?

MR. SOOKRAM: With respect, sir, if somebody is named as John Smith having him given Furazabol, it doesn't in any way alter the situation. Dr. Astaphan has already said that the bottles that were displayed there may not have been the bottles that he gave to Mr. --

THE COMMISSIONER: Well, we have heard that and --

MR. SOOKRAM: And regardless of whatever name he mentions or doesn't mention, it doesn't alter the situation. He said he got it. You either believe him or you don't.

THE COMMISSIONER: Well, I think this is a good time to --

MR. PORTER: Just one last more question.

THE COMMISSIONER: You have got one more question? What exhibit is that?

MR. PORTER: 117A.

THE COMMISSIONER: For a change.

MR. PORTER:

Q. I seem to remember when you identified 117 -- when you looked at 117A and, Dr. Armstrong -- Mr. Armstrong, okay. You looked at that, and you said it



looked, I will just paraphrase the words and if I say it wrong you correct me, it looked like the bottles you had given to Francis. And that's as far as you went, wasn't it? It looks similar to, I think, to be fair to you?

5 A. When was this?

Q. Just the other day when Mr.  
Armstrong --

THE COMMISSIONER: I think when it was first given to you --

10 THE WITNESS: I said it is a white glass bottle with a milky white substance in it, and I can't say what is in it.

MR. PORTER:

15 Q. That's probably what you said. It's kind of interesting, though, you never looked at the K at the bottom, did you?

A. When was that?

Q. When Mr. Armstrong showed it to you,  
20 you never looked at the bottom to see whether there was a K on it?

A. I turned the entire bottle around.

Q. Pardon?

A. I turned the entire bottle around.

25 Q. Are you telling me you looked at the





bottom --

A. I turned the whole --

Q. -- you could see through that  
plastic --

5 A. I looked at them through the plastic  
this morning, didn't I?

THE COMMISSIONER: Let's not argue about  
it, Mr. Porter.

10 THE WITNESS: I looked at them through  
the plastic this morning. I never took them out of the  
plastic this morning, either.

MR. PORTER:

15 Q. Can you see what's on the bottom of  
that?

A. Sure.

Q. It says what?

A. K-16.

20 MR. PORTER: Those are my questions for  
today.

THE COMMISSIONER: All right. Tomorrow  
morning at 10 o'clock.

25 --- Whereupon the proceedings adjourned until May 30,  
1989, at 10:00 a.m.





